

# River Heights City

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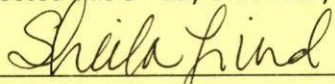
## River Heights City PLANNING COMMISSION AGENDA

**Tuesday, January 10, 2022**

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 Hearing to Discuss Revocation of a Conditional Use Permit to Conduct a Lawn Care Business at 658 Summerwild Ave
- 7:00 p.m. Public Comment on Land Use
- 7:05 p.m. Appointment of a Chair and Vice-Chair for 2023
- 7:10 p.m. Discuss Making a Change to a Section of the Animal Control Code
- 7:15 p.m. Adjourn

Posted this 5<sup>th</sup> day of January 2023

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

To join the Zoom meeting:

<https://us02web.zoom.us/j/86343379980?pwd=eEtucDAvLOZVaWhlVnVsVEs0cmZKZz09>

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

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River Heights City Planning Commission  
Minutes of the Meeting  
January 10, 2023

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

Councilmember Blake Wright  
Recorder Sheila Lind  
Tech Staff Councilmember Chris Milbank

Others Present: See roll

## Motions Made During the Meeting

### Motion #1

Commissioner Lehnig moved to “approve the minutes of the December 13, 2022, Commission Meeting with the attachment of Councilmember Glover’s comments, as well as the evenings agenda.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

### Motion #2

Commissioner Lehnig moved that “the letter of revocation was valid due to one or more of the points being true.” Commissioner Pitcher seconded the motion, which carried with Cooley, Lehnig, Pitcher and Wakefield in favor. Schaub opposed because she hadn’t heard evidence that any of the items on the list were not true.

### Nominations 1 and 2

Commissioner Lehnig nominated Noel Cooley to serve as commission chair for 2023. Wakefield seconded and all agreed.

Commissioner Schaub nominated Heather Lehnig to serve as vice chair for 2023. Wakefield seconded and all agreed.

## Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on January 10, 2023.

### Pledge of Allegiance

45 Adoption of Prior Minutes and Agenda: Minutes for the December 13, 2022, Planning  
46 Commission Meeting were reviewed. Commissioner Schaub asked to have Councilmember Glover's  
47 comments attached to the December 13 minutes, since they were referenced during the meeting.  
48 Commissioner Cooley recommended moving the 'Public Comment' agenda item ahead of the 'Public  
49 Hearing.'

50 **Commissioner Lehnig moved to "approve the minutes of the December 13, 2022,  
51 Commission Meeting with the attachment of Councilmember Glover's comments, as well as the  
52 evenings agenda." Commissioner Wakefield seconded the motion, which carried with Cooley,  
53 Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.**

54 Public Comment on Land Use: There was none.

55 Public Hearing to Discuss Revocation of a Conditional Use Permit to Conduct a Lawn Care  
56 Business at 658 Summerwild Ave: Commissioner Cooley reviewed the Commission's requirements:

- 57 1. The Commission was required to follow the City Code.
- 58 2. The City Code does not allow commercial businesses in a residential zone. To do so a citizen  
59 (applicant) must request a conditional use permit (CUP) to allow them to do business within  
60 the residential property boundaries.
- 61 3. Once a Conditional Use Permit (CUP) has been issued by the planning commission the  
62 applicant must conduct the business within the conditions the commission has granted.
- 63 4. If the applicant does not do business within the stipulations granted, the CUP is subject to  
64 being revoked.
- 65 5. If the zoning administrator receives evidence that conditions are not being met either from  
66 citizens or observation from a compliant officer, he or she may revoke a CUP.
- 67 6. Once the revocation occurs, the Planning Commission holds a hearing "to allow the permit  
68 holder the opportunity to show why the permit should not be revoked."

69 Commissioner Cooley went on to explain the purpose of the hearing, which was to allow JV  
70 Lawn Care (JVLC) to provide proof that they were complying with their CUP. If JVLC was  
71 unable to show the revocation was incorrect, the revocation stands. If JVLC is able to show  
72 the revocation was improper the Commission would reverse it by a majority of commission  
73 votes.

74 Commissioner Cooley read the Letter for Revocation of CUP (included with these minutes),  
75 pointing out the three conditions on JVLC's CUP, which would be the focus of the hearing:

- 76 1. Three or fewer employees.
- 77 2. No more than a total of five vehicles on the property
- 78 3. Hours of operation will be no earlier than 7:00 a.m. and no later dusk.

79 Commissioner Cooley stated they were not there to discuss whether JVLC has done a good  
80 service, only to decide whether the revocation letter was warranted. He asked Commissioner Lehnig  
81 to read the names of those who submitted written comment: Dena Rae Sparrow, Jim & Kit Stevens,  
82 Angela Wyatt, Concerned Citizen, Marcia Baker, Lisa Young, Brandon Smith, Alex O'Conner and Jacob  
83 Cameron, Ken and Geri Sorensen, Ross and MaryKay Peterson, and Melinda Rodriguez. Mr. Cooley  
84 explained that each commissioner had read through all the comments. He pointed out that most of  
85 the letters were complimentary of the Valdavinos family and their business. The complaints had to  
86 do with the storing of vehicles, which the commission verified.

89 Upon opening the public hearing, Commissioner Cooley said the Commissioners would listen,  
90 but not respond to questions. After the hearing, the commissioners would discuss their decision.  
91 JVLC was given eight minutes to plead their case. Others would have four minutes each.

92 Jason Sipes asked where they could retain copies of the letters. Commissioner Cooley  
93 informed; they will be attached to the posted minutes of the meeting.

94 Melinda Rodriguez said they have lived in River Heights for 20 years. They registered their  
95 business in 2008 and got a CUP in 2011 for lawn mowing and snow removal. The revocation letter  
96 said they didn't have permission to do snow removal, but they had included it on their CUP  
97 application in 2011. She admitted they probably failed to notify the city that their business was  
98 expanding, but they didn't know they needed to. If they had received notice from the city, they  
99 would have done so. They have three boys who have their own vehicles now. They have been  
100 parking up to 8 cars on Wastach property (west of their home) and never had a complaint from  
101 Wasatch. Since this property is in Logan, they didn't think it was necessary to check with River  
102 Heights. They were unaware of any complaints. All their neighbors don't have a problem with their  
103 business. She addressed the November 29, 2022 complaint about them parking in a right-of-way.  
104 She didn't know they were not allowed to park there. They had received permission from the owner  
105 of the property. She informed that she had sent a letter to Commissioner Cooley, explaining their  
106 new proposal. Commissioner Cooley thanked her for her comments.

107 Brandon Smith, of 648 Summerwild, is a next-door neighbor to JVLC. He mentioned a letter  
108 he had previously sent to the city. He informed that he has 6 vehicles of his own that he parks out on  
109 the road sometimes. He can see all that goes on at JVLC in their backyard. He has never seen 10  
110 employees in their yard at a time. He only sees them come and go individually. He was interested in  
111 why there were six reasons for revocation when there were only three conditions in the CUP. All  
112 three of the adjoining neighbors are fine with the JVLC business, which means there would be no  
113 reason they couldn't get permission to have their business at their home. He brought up that the  
114 River Heights City Code states that a CUP should be filed with the County, which he found is not the  
115 case.

116 Ross Peterson has lived at 391 E 600 S for 51 years. He represented himself, his wife, brother,  
117 and son, all who own property in River Heights. He has always believed that people are more  
118 important than policy. They were grateful for the Valdavinos family's kindness to their  
119 neighborhood. He felt it would be in the best interest of the community to rescind their revocation.  
120 He supported them keeping their business at their home.

121 Brian Anderson of 331 E 700 S addressed the photos taken from a property shining onto an  
122 easement. He returned from being gone for a month to find a new fence and survey markers on his  
123 right of way. He said he gave permission to JVLC to park on this easement 20 years ago. With each  
124 homeowner it hadn't been a problem until now. JVLC should not be held responsible because he  
125 gave them permission to park there. He then explained there are some days he can't get up 700  
126 South due to the snow. Today it was plowed by JVLC. He felt by 7:00am all entrances to the city  
127 should be plowed. He was supportive of JVLC staying where they are at.

128 Jason Sipes of 638 Summerwild, lives in the home of his grandfather-in-law and knows he  
129 (Fellger Johnson) would be upset by all this. It seemed to him that the city would rather push  
130 business away than support the citizens who live here. He pointed out a deadly intersection on 700  
131 South 100 East. He felt the city should have come to JVLC with an invitation to adjust their CUP,  
132 rather than revoke it. This morning Juan Valdavinos came to help him with his snow removal. They

131 are serving their community. He argued that picking up a vehicle and trailer from a driveway was not  
132 conducting a business, but rather picking up a vehicle. They are not the only ones with vehicles.

133 Mitchell Kamstra had questions about the process. He said he heard there were several  
134 complaints over the years, but they haven't seen them. He asked how they got to the point of  
135 revocation. Where did the complaint turn into a revocation? Were there warnings? Responses? He  
136 didn't believe there were more than three employees at JVLC. He felt there should be proof of the  
137 number of employees. The five allowed vehicles on their property shouldn't include their personal  
138 vehicles. The neighbors love having the Valdavinos family in the community. All lawn care services in  
139 the valley allow snow removal.

140 Jason Sipes also mentioned the certified revocation letter from the city was sent to the wrong  
141 address.

142 Ken Sorenson of 367 E 700 S gave a brief history of how other cities have annexed property  
143 that should have belonged to our community and how much traffic its brought to River Heights. He  
144 said the Valdavinos' family is needed and are valuable in this community. He said the city turns a  
145 blind eye to apartments that aren't allowed and people who have more than two dogs, and then they  
146 pick on the Valdavinos family for all the good they are doing. His backyard is next to theirs and he  
147 had no objection to the number of vehicles they have on their property. He asked how many  
148 businesses were unregistered in River Heights.

149 Kit Stevens of 392 E 600 S said the land across the street from JVLC does not belong to River  
150 Heights. The property is useless as is and is perfect for parking cars. In the 12 years she has been in  
151 River Heights she has seen a commercial property turned into residential and then back to  
152 commercial. She said River Heights should allow the same for JVLC.

153 Jacob Cameron of 336 E 700 S was not in favor of the JVLC business. On July 27 he left a letter  
154 on one of JVLC's vehicles, asking them not to park in and block their right-of-way anymore. Brian  
155 Anderson continues to give them permission to park in the shared right-of-way. He didn't dispute  
156 that JVLC provides a valuable service to the community, but he didn't think they should be able to roll  
157 over other residents because they receive person to person permission. He discussed integrity and  
158 the fact that JVLC has stated they only have about 5 employees when he has photo proof of many  
159 employees, most of which wear JVLC shirts, coming and going from his right-of-way. He's heard that  
160 JVLC no longer has a lot of vehicles at their property, which is because they are parked in his right-of-  
161 way: trucks, trailers, machinery, etc. JVLC doesn't mind parking there because they are not invested  
162 in the property. He asked to show Map 3, which pointed out all the places JVLC has their vehicles. He  
163 only cares about them parking in the right-of-way. The ariel map showed a JVLC vehicle parked off  
164 the right-of-way on Laprevote's property. JVLC has broken their sprinklers and received many visits  
165 from the sheriff asking them not to park there, but they continue to have no respect. He thought it  
166 was great to have residents who had owned their property for decades. However, he didn't  
167 appreciate how they, as newcomers, were being treated as not worthy of owning property. He noted  
168 that the photos he sent to the city showed only a small portion of what had been going on and that  
169 he had many more if anyone was interested.

170 Kylee Laprevote of 324 E 700 S read a letter from her husband Joey which stated they  
171 generally don't mind having JVLC in the neighborhood. They do, however, mind the broken sprinkler  
172 heads caused by them parking over the line. They learned that earlier in the year JVLC had been  
173 plugging one of their trucks into electricity on the side of their house without permission, which cost  
174 them hundreds of dollars on their power bill. They had the sheriff come over to see if they would be

177 allowed to unplug the vehicle. Brian Anderson came over and said they were just kids and didn't  
178 know it was wrong. They still have not been paid for the cost of the power bills. They don't want JVLC  
179 out of River Heights. They only want them to take responsibility for the broken sprinkler heads and  
180 power bills.

181 Melinda Rodriguez responded that the diesel truck needed to be plugged in. She wished the  
182 Laprevotes would have come over and talked to her about the issue before calling the sheriff. The  
183 truck was only plugged in for about 15 days. Commissioner Cooley cut her off because this was an  
184 issue between neighbors.

185 Brian Anderson felt he was accused of giving JVLC permission to plug their truck into  
186 Laprevote's house. He said he absolutely didn't give that permission.

187 Commissioner Cooley closed the public hearing and then addressed a few of the questions  
188 that came up. He said in 2018 JVLC was sent several letters concerning the number of employees and  
189 vehicles, where they were notified of their violations. It was noted that it was sent to 658  
190 Summerwild. Mr. Cooley pointed out there is another landscaping business in River Heights, but they  
191 don't have any vehicles on their property and employees don't come to their home. This is  
192 considered a home business, which means the business is operated in the home and not in the yard.  
193 There was also a letter in 2018 from Wasatch Properties stating JVLC could park 2-3 vehicles on their  
194 property.

195 Commissioner Schaub said JVLC did reply to the letter in 2018. It was her opinion that the  
196 Wasatch property shouldn't be considered because it's not in the boundary of River Heights. She also  
197 pointed out that the original CUP JVLC applied for shows a request for snow removal, as well as lawn  
198 care. The revocation letter stated they didn't have permission for snow removal. She asked Ms.  
199 Rodriguez how many vehicles and employees they have. Ms. Rodriguez answered they have 10  
200 employees throughout the year but more in the summer because they add part-timers. She was  
201 unsure how many vehicles they had but said they had been moved to a rented lot. They don't have  
202 vehicles at their house in the winter because they allow their employees to take them home.  
203 Currently they just have personal vehicles on their property.

204 Commissioner Wakefield recognized this issue as very impactful. He likes the service JVLC  
205 provides for others. He pointed out that most of their business is done off premises. He felt concern  
206 about the comings and goings on the 700 South right-of-way. He was also concerned about electrical  
207 theft and broken sprinklers.

208 Commissioner Pitcher said there is a fine line between the number of vehicles a person can  
209 have. He agreed JVLC was a great asset to the community but was concerned about the three  
210 conditions on the CUP being violated.

211 Commissioner Lehnig liked the letters that came in, showing support and concern for the  
212 situation. She would like the commission to follow the city's regulations. She would like JVLC to stay  
213 in River Heights, but they need to follow the ordinance. If the city makes an exception for them, then  
214 they would also need to allow the same to others who may be providing a less favorable service.

215 Commissioner Cooley said he had read the minutes from 2011 when the original CUP was  
216 granted but couldn't derive the reason for the three conditions, however he noted that the  
217 Valdavinos' agreed to the conditions. He would like them to operate like other home businesses in  
218 River Heights by using their home as an office but store their vehicles at another location where the  
219 employees would access them.

218 Melinda Rodriguez reiterated that they have another location for one or two vehicles.  
219 Commissioner Cooley said a new CUP would require proof of this.

220 Commissioner Cooley said to allow JVLC to continue to carry on their business the commission  
221 would need to revoke the existing CUP. They could then turn around and reapply for another one,  
222 which may or may not be approved. He asked Attorney Jenkins for clarification.

223 Attorney Jenkins said the Commission's objective was to review the conditions on the  
224 revocation letter and decide by majority if JVLC has shown cause to overrule the zoning  
225 administrator's decision to revoke the CUP. He advised them to look at the letter and determine if  
226 JVLC had violated even one of the reasons for revocation. If so, the revocation would stand. The  
227 commissioners shouldn't base their decision on opinion.

228 Commissioner Schaub said she had no knowledge of the items listed in the letter before the  
229 issue arose. She was unsure how she could know how many vehicles were on the JVLC property.  
230 Attorney Jenkins asked her to consider if she had found evidence during the meeting that any of the  
231 violations were not true.

232 Commissioner Cooley reviewed the list of reasons the permit was being revoked:

- 233 1) Six (6) trucks with trailers are being stored on the property, which leave daily and return. In  
234 addition, personal vehicles and smaller trucks are being parked on the property.
- 235 2) It is estimated that 10 or more employees are on site regularly.
- 236 3) Repeated reminders to comply with the permit conditions have been ignored.
- 237 4) The business is a commercial business, which is not allowed in a residential zone in River  
238 Heights City, and
- 239 5) The CUP allowed for lawn care service to be operated, not a snow plowing business.

240 Commissioner Lehnig moved that **"the letter of revocation was valid due to one or more of**  
241 **the points being true."** Commissioner Pitcher seconded the motion, which carried with Cooley,  
242 Lehnig, Pitcher and Wakefield in favor. Schaub opposed because she hadn't heard evidence that  
243 any of the items on the list were not true.

244 Commissioner Cooley stated the revocation was valid and reminded that JVLC was welcome to  
245 reapply for another CUP. He pointed out the deadline in the revocation letter (to move their business  
246 vehicles out of River Heights) of January 27. Attorney Jenkins clarified this date will stand because  
247 the Commission just validated the letter. Commissioner Cooley hoped they could keep their business  
248 office in River Heights and relocate their vehicles and equipment. He asked Melinda Rodriguez if they  
249 could meet the January 27 deadline. She answered that they could bring in a new CUP application  
250 tomorrow. Attorney Jenkins informed the Commission that they could not extend the deadline, but  
251 the Council could if they wanted to.

252 Commissioner Wakefield would like to see JVLC continue to operate in River Heights. He  
253 agreed to support them in their business, while also making it conducive to the city's code.

254 Appointment of a Chair and Vice-Chair for 2023: Commissioner Cooley asked for nominations  
255 for chair.

256 Commissioner Lehnig nominated Noel Cooley to serve as commission chair for 2023.  
257 Wakefield seconded and all agreed.

258 Commissioner Schaub nominated Heather Lehnig to serve as vice chair for 2023. Wakefield  
259 seconded and all agreed.

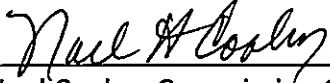
260 Discuss Making a Change to a Section of the Animal Control Code: Commissioner Cooley  
261 explained the need to replace "Class C Misdemeanor" to "infraction" in the animal control code. This

was based on a change in state code. They agreed to have it on the upcoming list of changes to go to a public hearing.

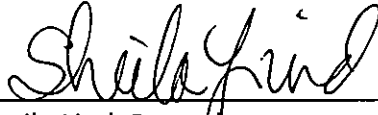
Commissioner Cooley reminded of an upcoming discussion of possible fence code changes, as recommended by Councilmember Glover. He asked each of them to drive around the city to see how the change would affect specific properties in the city.

The meeting was adjourned at 8:03 p.m.

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Noel Cooley, Commission Chair



Sheila Lind, Recorder







## LETTER FOR REVOCATION OF CONDITIONAL USE PERMIT

December 14, 2022

Sent by certified mail.

JV Lawn Care  
c/o Juan G. Valdavinosa  
685 Summerwild Avenue  
River Heights, UT 84321

Re: Revocation of Conditional Use Permit for JV Lawn Care

River Height City granted a conditional use permit dated April 6, 2011 (signed April 29, 2011) to operate a lawn care service at 685 Summerwild Avenue in River Heights, Utah. Over the span of several years, there have been repeated departures from the plans, specifications, and/or conditions required under the terms of the permit. As such, pursuant to 10-20-2 H of the River Height City Code, your conditional use permit dated April 6, 2011 is hereby revoked effective immediately. The revocation will become final upon a hearing to be held by the Planning Commission on January 10, 2023, at 6:30 p.m. where you will have the opportunity to show why the permit should not be revoked.

The conditional use permit included the following conditions:

1. Three or fewer employees,
2. No more than a total of five vehicles on the property, and
3. Hours of operation will be no earlier than 7:00 a.m. and no later than dusk.

River Heights City is aware that permission was given by Wasatch Premier Estates to park up to three (3) cars or trucks on property they own on the west side of Summerwild Avenue. Part of the permission given by Wasatch was that the cars or trucks must be moved daily.

The city is in receipt of several complaints from neighbors over the last 10 years, the most recent on November 29, 2022. It was reported that JV Lawn Care is parking three of their vehicles in the right-of-way shared with adjacent property west of the complainant, which blocks all access to their properties.

It's also obvious that you are running a snow removal business which includes a number of trucks and plows parked up and down Summerwild Ave.

Said conditional use permit is revoked for the following reasons:

1. Six (6) trucks with trailers are being stored on the property, which leave daily and return. In addition, personal vehicles and smaller trucks are being parked on the property.
2. It is estimated that 10 or more employees are on site regularly.
3. Repeated reminders to comply with the permit conditions have been ignored.
4. The business is a commercial business, which is not allowed in a residential zone in River Heights City.

5. The conditional use permit allowed for a lawn care service to be operated, not a snow plowing service.

Please be advised that, unless you possess a valid permit from River Heights City, it is unlawful to continue to conduct your business in the City of River Heights. As a courtesy, you are being given a strict deadline of January 27, 2023 to relocate your business vehicles and equipment and to cease business operations within River Heights City. Following this deadline, strict enforcement proceedings will commence.

Sincerely,



Blake C. Wright, Councilmember  
Zoning Administrator

cc: Jason Thompson, Mayor  
Jon Jenkins, City Attorney

**Conditional Use Permit Agreement**

THIS CONDITIONAL USE AGREEMENT is made by and between Juan Valdavinof 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 service 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 March 15, 2011;

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

1. Three or fewer employees.
2. No more than a total of five vehicles on the property.
3. Hours of operation will be no earlier than 7:00 a.m. and no later than dusk.

Dated this 6<sup>th</sup> day of April, 2011

**RIVER HEIGHTS CITY:**

*Blake Wright*  
Blake Wright, Council Member

*Lorin Zolinger*  
Lorin Zolinger, Commission Chair

**PERMITTEE (Signature must be notarized):**

Juan Valdavinof  
Juan G. Valdavinof

04-29-11  
Date

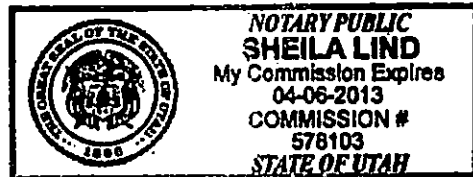
State of Utah )  
County of Cache)

Sworn and subscribed to before me this 29

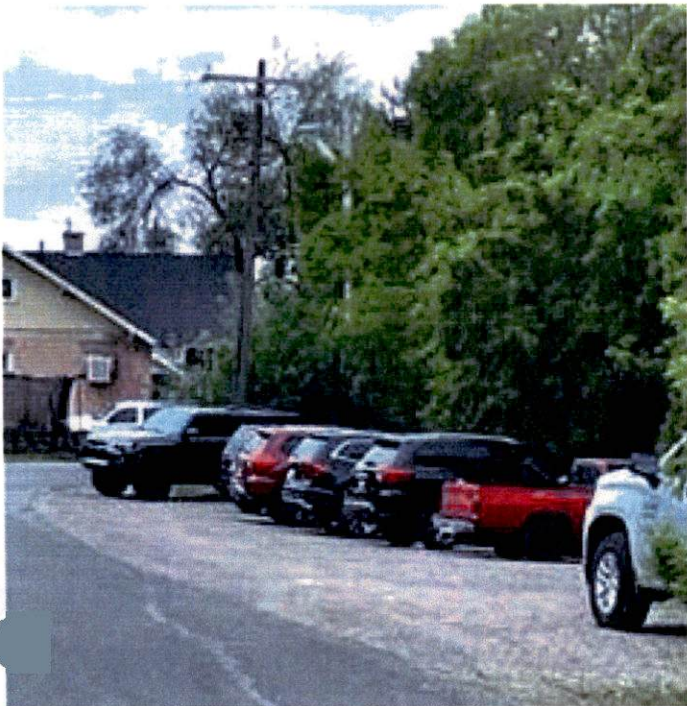
day of April 2011 by

Juan Valdavinof

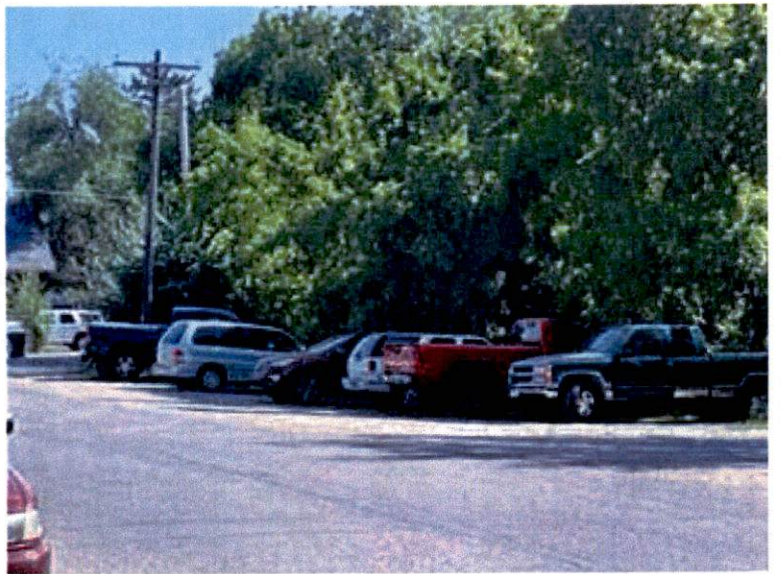
Sheila Lind  
Notary Public

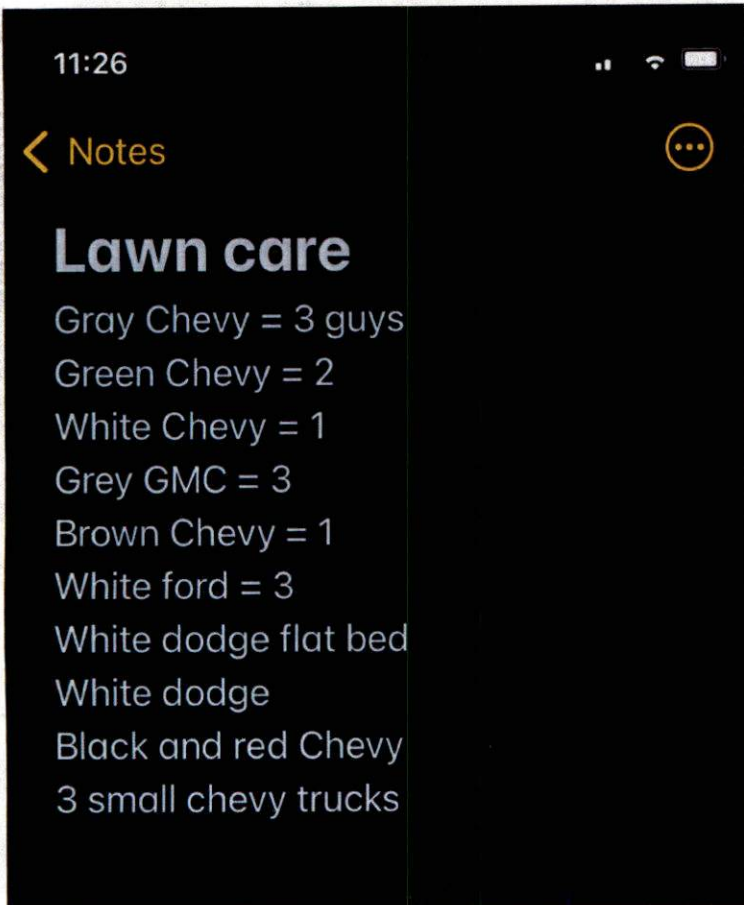


Photos taken in July 2022 at 658 Summerwild Ave, River Heights



Across the street from 658 Summerwild on property owned by Wasatch Properties.





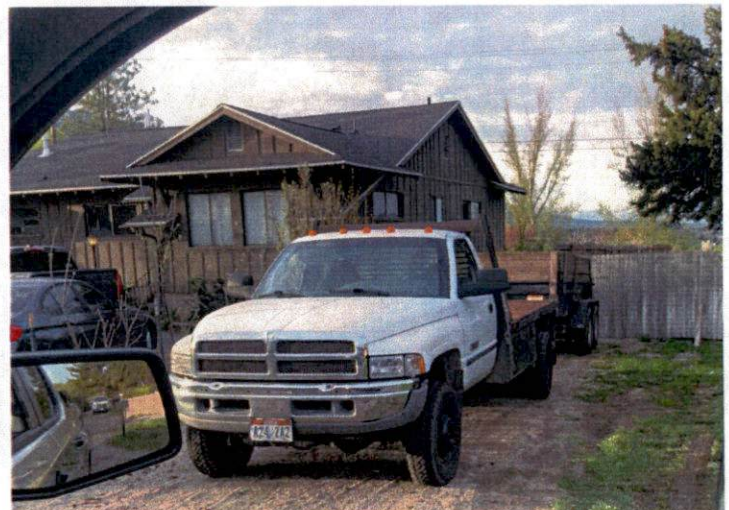
Notes taken on one day in July 2022 regarding the number of employees and vehicles belonging to JV Lawn Care.

A portion of a complaint River Heights City received from Jacob Cameron and Alex O'Connor on December 22, 2022.

*BA's (Brian Anderson) associates JVA (JV Lawncare), who BA has allowed to park in and block AJ's (Alex and Jacob) use of the ROW for the past 8 months, were double parked within the bounds of the easement. Mr. Juan G Valdovinos of JVA, and JVA were provided with multiple civil opportunities by AJ & JK (Joey and Kylee) to remove their vehicles and machinery, as well as given clarity regarding their misuse of a shared ROW, and an easement that they have no legal claim to.*

Alex and Jacob reside at 336 E 700 S.

Joey and Kylee reside at 324 E 700 S.



January 6, 2023

River Heights City  
Blake C. Wright, Councilmember & Zoning Administrator  
520 South 500 East  
River Heights, Utah 84321

Re: Revocation of Conditional Use Permit

Dear River Heights City,

We are in receipt of your Letter of Revocation of Conditional Use Permit. We are sorry that this matter has unfortunately progressed to this status. We understand that the conditional use permit was issued on the following conditions:

1. Three or fewer employees,
2. No more than a total of five vehicles on the property, and
3. Hours of operation will be no earlier than 7:00 A.M. and no later than dusk.

We truly want to be good citizens and contribute to the wellbeing of the neighborhood and the community at large. We try to maintain a friendly relationship with our neighbors.

Our business is our sole livelihood and provides services to several people throughout the valley and employment for several individuals in the community. We acknowledge that our business has grown and so has the number of our equipment and employees. We certainly view this as a positive thing. We feel a very strong duty to our employees and customers to keep the business going. Although we have grown over the years, we still have limited means to acquire and maintain a separate business location.

We acknowledge that there have been some excesses over the limitations of the permit. We apologize for this and wish to make things right with the city. We would like to revisit the terms of our permit and propose the following limitations:

1. Five or fewer employees,
2. No more than a total of 7 vehicles, with one maintained in the garage, and
3. Hours of operation will be no earlier than 7:00 A.M. and no later than dusk.

We should have come in before to address these issues. Again, we apologize and truly wish to make things right with everyone. Would you please work with us so that we can continue to maintain our business? We respect your decision-making authority. Please give us an opportunity.

Sincerely,

Juan Valdovinos & Melinda Rodriguez

Jan 2, 2023

Noel Cooley  
520 S 500 E  
River Heights UT  
84324

Dear Commission Chair,

I am not in favor of  
revoking the conditional  
use permit for JV Lawn.  
I believe R.H. set a  
precedent when we approved  
the photography business  
in the service station.

It was changed from  
residential to commercial.  
I was at that meeting  
when we voted as a city  
to change it.  
JV Lawn is an integral  
part of our community.



many of us depend on them  
to mow our lawns and  
dig us out in the winter.  
We stand with J.V. Lawton.

Dena Rae Sparrow  
328 E 600 S  
River Heights UT  
84321



Sheila Lind &lt;office@riverheights.org&gt;

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**Complaint in re: JV Lawn Care**

1 message

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**Marcia Baker** <bakerme\_2@icloud.com>  
To: Jason Thompson <jasonthompson@riverheights.org>  
Cc: Sheila Lind <office@riverheights.org>

Mon, Jan 2, 2023 at 3:55 PM

Dear Mayor Jason,

I understand there is a hearing on January 10 regarding complaints from River Heights neighbors about JV Lawn Care. I will be out of town then and would like this letter read as part of the discussion.

JV Lawn Care provided me with lawn service for 2 years without incident. In 2020, there was a strong windstorm that broke several large tree branches that were either in my yard or which hung over the fence into my yard. I contacted several tree services to give me estimates on the work. Juan of JV Lawn Care came into my yard to assess the damage. However, he was not one of the tree services I called.

Juan said that his crew could do the work. I expressed surprise because I thought of his business as more of a lawn service than a tree service. Juan assured me that they could do the work. I said that I was not making a decision on this as I was going out of town, that I didn't want anyone doing the work while I was gone and that I had not made a decision.

When I came home after being gone a week, I saw that someone had trimmed limbs on one of the damaged trees in the front yard. I received a bill from JV Lawn Care for the work and I called Melinda to say that I was not paying the bill because I had not agreed to have JV Lawn Care do any of the work. I expressed my frustration that the job was done when I was not home, which I had made very clear to Juan when we talked. And furthermore, the job was not done as I wanted it to be.

Melinda and Juan showed up at my door to discuss the issues. Juan insisted that I had given permission to him to do the work. And when I disagreed with that and said that I also had made it clear that no work was to be done when I was not home, Juan began to talk to Melinda in Spanish, indicating that he could not understand my English. I stood my ground and we ended the conversation.

I later cancelled my agreement to have JV Lawn Care do any lawn work for me. I am a single, older woman and felt that I was not respected. I did not want any possibility for Juan misunderstanding me should there be any disagreements in the future.

I hope that my experience is not one of many and that there is not a pattern of so-called misunderstandings. I suggest that people who use JV Lawn Care services have written agreements with them to avoid misunderstandings.

Sincerely,  
Marcia Baker

**PPF Historical Associates**  
**Historical Research**  
435.770.9213

F. Ross Peterson  
391 E. 600 S.  
Logan, UT 84321

River Heights City  
520 South 500 East  
River Heights, Utah 84321

January 2, 2023

Noel Cooley, Commissioner; Mayor Jason Thompson and Council Members:

We found a sheet on our windshield this afternoon informing us of a meeting on January 10 relative to JV Lawn Care. We read the letter carefully and encourage you to reconsider your decision. We appreciate the opportunity to discuss our reaction to the specific points described by the letter. Our concern is based on our view of the benefit of living in a community the size of River Heights. We have a passion for small towns as the enclosed card describes. That is why we chose to remain in River Heights when recently bombarded by tempting offers.

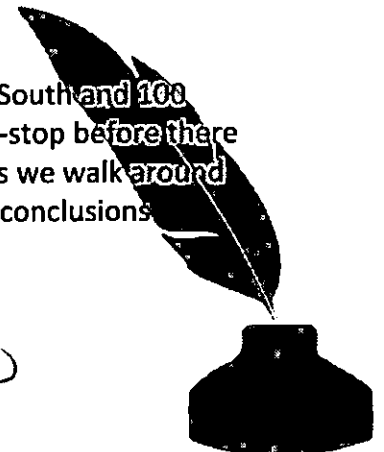
A town like River Heights has a tradition of cooperative caring for each other as neighbors and citizens. We have confidence in our abilities to solve problems by reaching conclusions that assist each other. There have been and will be disputes, but empathy and understanding are watchwords which shaped over a half century of residency. We feel that JV Lawn care is deserving of the opportunity to continue to contribute to the welfare of our neighborhood.

Since Juan and Melinda moved to River Heights years ago, they have blessed our lives in many ways, as well those of many other neighbors. We are thrilled that they and their sons have contributed to the maintenance of our yards, sidewalks, and Summerwild Avenue. When we temporarily moved to California for three years, it was a comfort to know that our property was cared for in a most professional manner. It has been gratifying to watch Juan and Melinda's family succeed in the educational system of the community and county. As well, it is very positive that they provide employment that enables many other families to move forward with a degree of both service and security.

We live in a society that depends on justice and laws adhered to by all. The policies that interpret those laws often change as the city, times, and individuals have different needs. During our years living on 600 South/Summerwild, we have been heartened by the activities around the home of Juan and Melinda. Their labor provides services that involves numerous River Heights families and many of their efforts are not compensated. We respectfully request you reconsider your decision and work out an agreement that enables JV Lawn Care to continue both lawn care and snow removal services.

We are much more concerned by the traffic and pedestrian situation at 700 South and 100 East. The cities responsible for that corner need to have a light or a four way-stop before there are more fatalities. We feel we cannot drive West on 700 South anymore. As we walk around our town, we do see 685 Summerwild nearly every day and do not share the conclusions outlined in your letter. We look forward to the meeting on January 10.

*Sincerely,*  
*F. Ross Peterson and Mary Kay Peterson*



1/5/23

To the River Heights City Council:

RE: J+V Lawn Care use of the Wasatch Property  
on Summerwild.

I'm writing in behalf of Juan + Melinda +  
their lawn care - snow removal business which  
is located on a small, otherwise useless piece  
of land.

Their business has been there 20-25  
years, and it provides a VITAL service to our  
area. They mow + trim lawns, (improving our  
little city) trim trees (providing safety),  
- remove snow + ice (a VITAL  
service for all residents + for  
the postal service.)

Without their service, many  
of us would be isolated + helpless

The land they use cannot be  
built on -

As to the zoning bit, you have  
rezoned the Sinclair station →



3 (Three) times in the last few years. When I first came here, there was a boat repair business there. Then you rezoned it residential; then you turned around it around again - so people can get dressed up & take pictures! This adds NOTHING to make our city better.

J+V on the other hand not only keeps our town looking neat & clean, they also clean sidewalks (for free) which the city doesn't. They are always volunteering their services to help others.

Please rezone that slice of dirt & allow J+V Lawn Care to remain where it is.

Thank you

Sincerely,

Jim & Kit Stevens

392 E 600 So

River Heights, UT

84321

# Planning Commission

regarding JV Lawn care,  
 they do a great service  
 to our city. They keep  
 side walks and driveways  
 clear. in the summer  
 they do lawn care  
 they are a great asset  
 to our city

The conditional permit  
 needs to be rezoned.  
 it has been done before,  
 clearing snow is part of  
 lawn care.

Please rezone the area  
 so we can continue having  
 this service

concerned citizen

River Heights City Planning Commission  
520 South 500 East  
River Heights, UT 84321

January 5, 2023

Dear Commissioners:

I am writing this letter in support of JV Lawn Care located at 658 Summerwild Ave. in River Heights. I understand that there are some concerns about their business and its impact on the neighborhood. I do not share these concerns.

I have always found the Rosales family kind and eager to serve. I have hired them for many jobs both at my home on 600 East and what used to be my parents' home on 600 South. I have always been impressed with how they perform their jobs and how kind and friendly they are. They also provided snow removal services to my parents at no cost when they were both ailing.

I often walk my dog around Summerwild Ave. and have never felt unsafe or unwelcome walking by their home or next to the lot where their vehicles are parked. Just the opposite, as a matter of fact. I am always greeted warmly by the company's employees and the Rosales family. They wave and ask how I am. They are also kind to my dog. I have never had a problem with any of them.

I'm grateful for the services and friendship provided by JV Lawn Care and I would hope that they continue to be allowed to run their business in this city. They provide so much service and so much kindness.

If you have any questions, please feel free to contact me at 435-512-5539.

Sincerely,

Angela Wyatt  
380 South 600 East  
River Heights, UT 84321

July 27, 2022

J V Lawn Care  
658 Summerwild Avenue  
River Heights, UT 84321  
(435) 994-6289

Dear J V Lawn Care and all Associates (JVA), .

This letter serves as a formal demand that JVA no longer park personal or business vehicles, trailers, and/or business equipment in the right of way that you currently park directly West of 336 East 700 South, River Heights, UT 84321, our property.

River Heights City Code Title 10, Chapter 2, Section 1 (10:2:1) defines a parking space as "A space, not less than twenty feet (20') in length and not less than nine feet (9') in width." and this does not include driveways.

The legal definition of a right of way is "a pathway or road with a specific description," in this specific case that description is our "right to cross property to go to and from another parcel." Pathways, roads, and right of ways are directional and thus not for short-term or long-term parking spaces.

We are aware that Brian Anderson claims sole property rights to the parcel where JVA parked in the past, completely blocking the right of way for many weeks, and JVA continues to currently park off to the Western edge of the right of way. However, we have legally binding documents such as our warranty deed and a boundary line agreement that reflect otherwise. Specifically, if you were to measure 8 feet plus 3 inches West from where the gate meets our home, proceed 15 more additional feet West, then directly North until you hit the public road, then East 15 feet, that is the full boundary of our legal right of way, and then our property includes the additional 8 feet 3 inches further East. If you choose to measure, please refrain from trespassing on our property. As such, some JVA individuals have repeatedly trespassed and loitered on our property and these instances have been well documented by our security cameras. If trespassing continues after today, 7/27/22 by 8pm, we will have no choice but to involve the sheriff as it will become criminal trespass.

If you choose to measure you will find that Brian does not have an additional 9 feet or more to qualify as a parking space, according to city code, without encroaching on our neighbors to the West, of which we know there are already documented records between the current owners of 324 East 700 South and JVA with the sheriff's department.

If JVA does not discontinue all parking in the right of way by 8pm on 7/28/22 or continues to trespass on our property as stated above, we will have no choice but to file civil claims in the Utah State District Courts.

It is our genuine hope to avoid a lengthy and costly legal approach to this civil matter. While we attempted to reconcile this issue with Brian, that was to no avail. This is our final attempt at resolving the matter individually. If you have any questions or need further clarification, please do not hesitate to reach out: (435) 554-8073. Thank you.

Sincerely,

Jacob Cameron & Alexander O'Connor



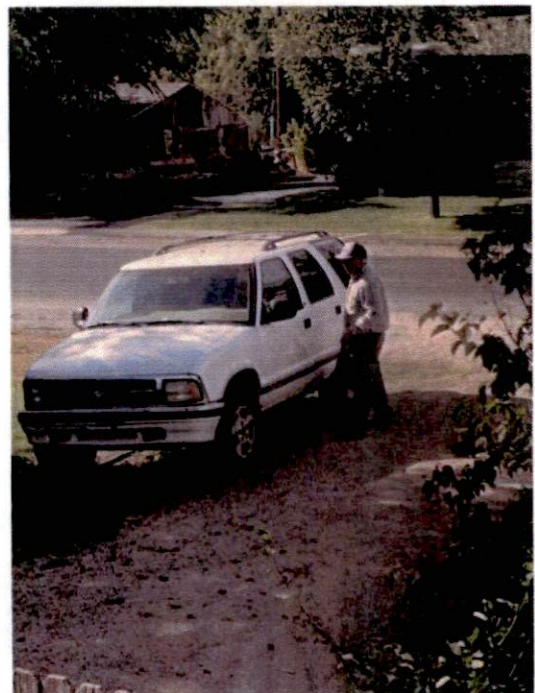
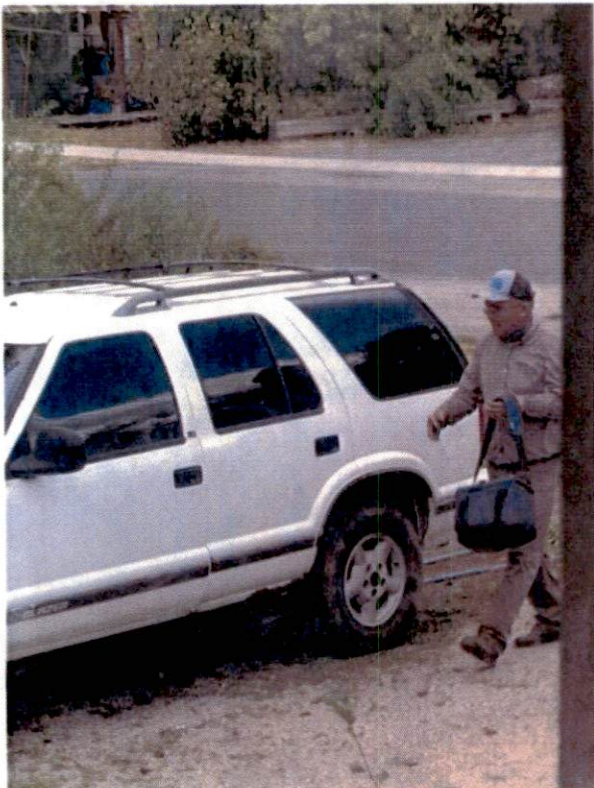
Sent to Brian Anderson via text message 6/13/22 at 5:50p.m.

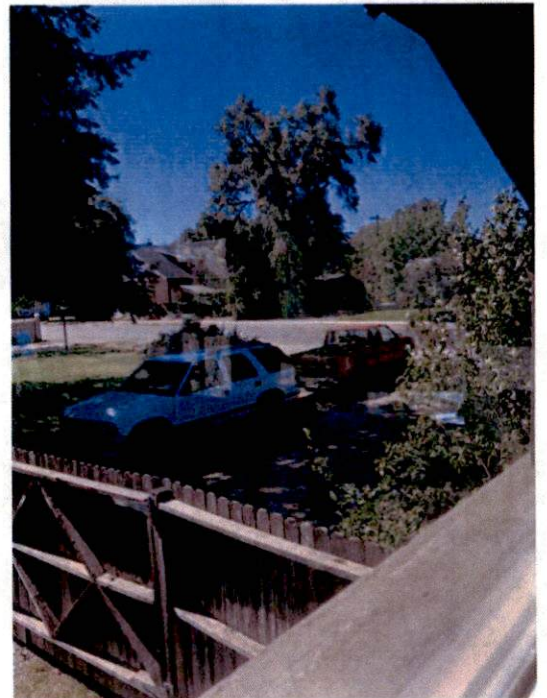
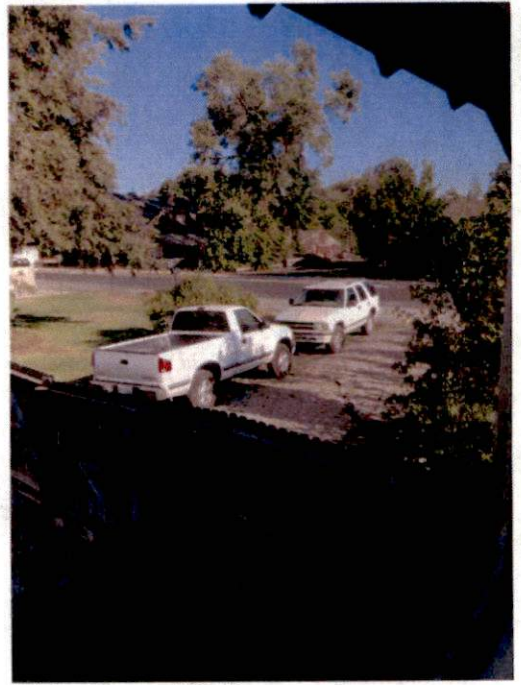
Hi Brian, Jacob and Alex here, your across the way neighbors at 336 E. Alex and I feel confident that as a fellow land and property owner - in more than one country - you could understand the practical and logical nature of the following request.

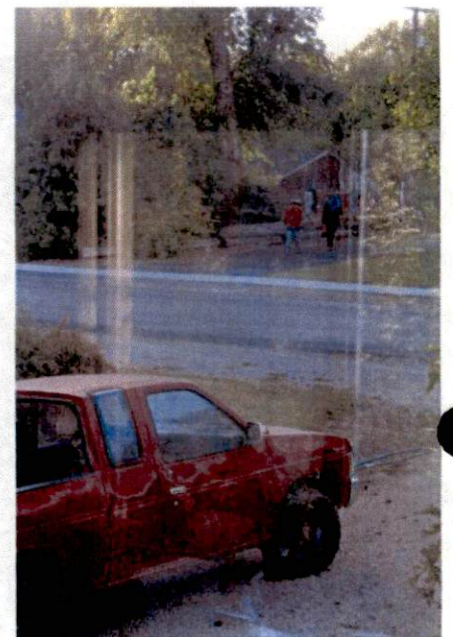
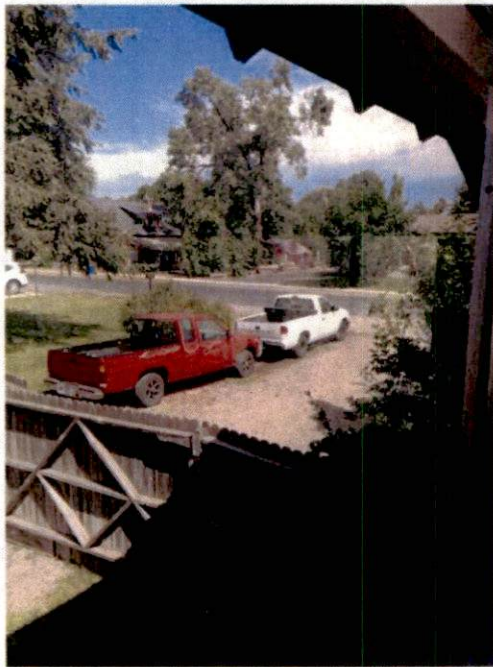
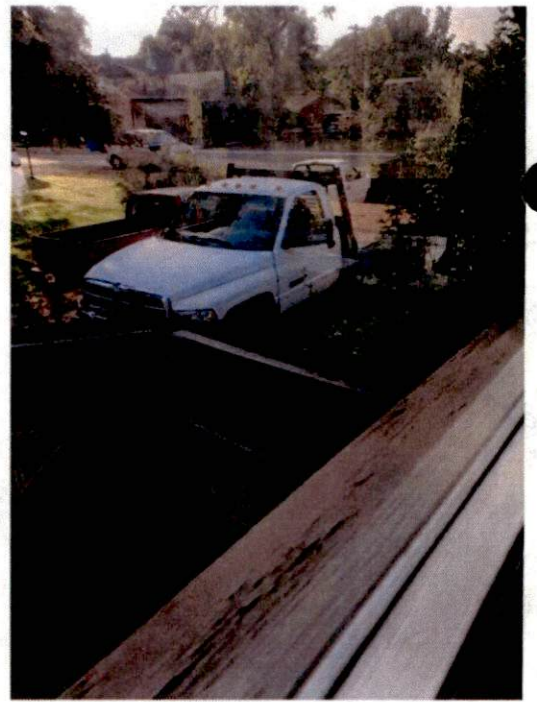
We kindly request that you speak to JV Lawn Care and it's associates (JVA), of which you allow to park in the easement, and rescind the offer for them to utilize the easement as a parking lot. We think that the civil and reasonable approach to the easement should include agreements between the vested parties and properties. Unfortunately, JVA are not one of the vested parties/properties.

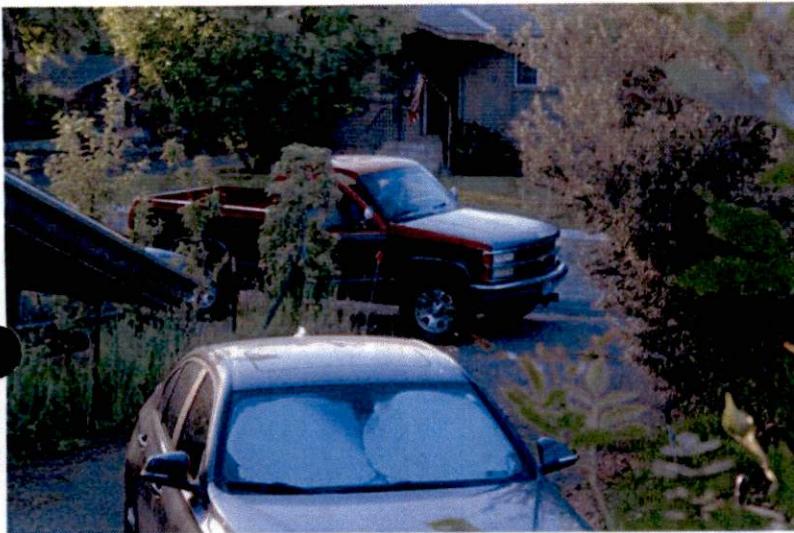
We greatly appreciate the service that JVA provides to this community and the individual kindness that you have provided them in allowing them to park their vehicles in front of the right-of-way. We also understand that right-of-way, and egress/ingress include just that, the ability to utilize the unblocked easement without unnecessary and burdensome requests such as unlawfully operating JVA business machinery and personal property without the proper insurance coverage. While your request/solution may feel neighborly to you, we are aware that in the past the easement had a strict no parking policy in place by you, which feels more neighborly to us.

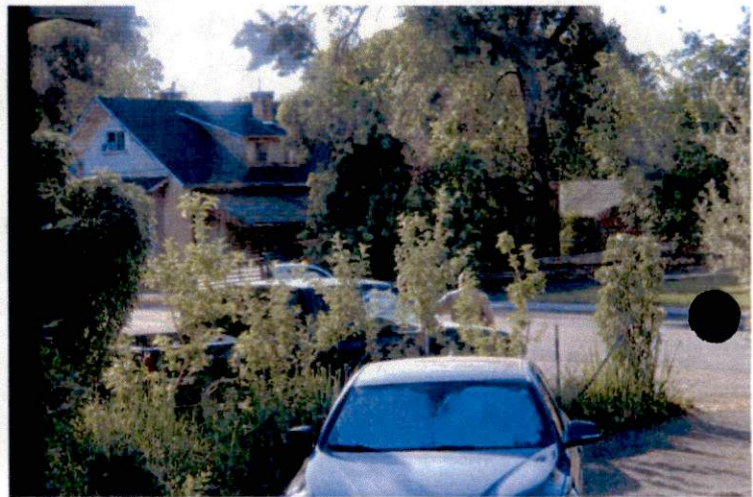
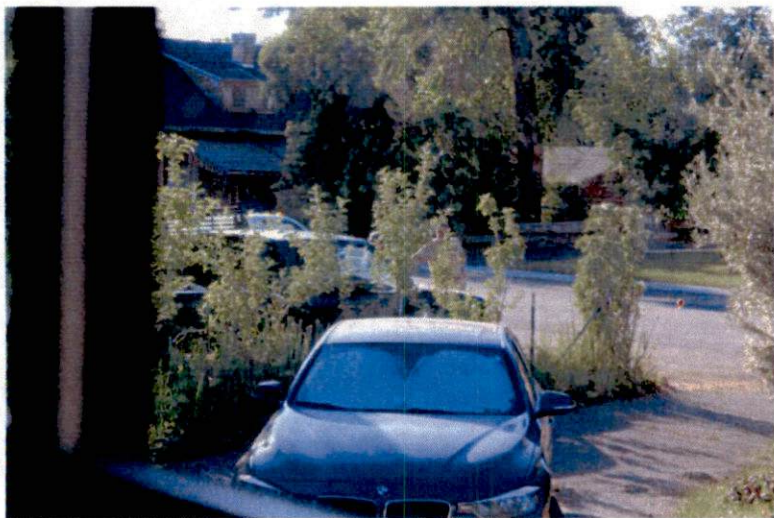
While it surely is not our intent to upset you or JVA, we are aware that being a business owner does come with associated costs and struggles. Perhaps, if you would like to continue affording JVA your kindness, it would be most appropriate to allow them to park on your property outside of the easement boundaries. Please let us know if you need any further clarification, we are right across the street. Otherwise, we hope this request will come to a timely and quick resolution as to avoid future conflict and confusion. Thank you.

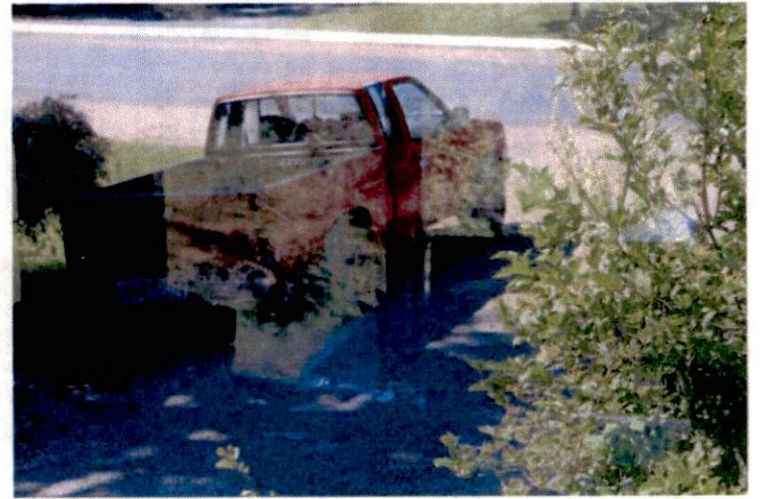




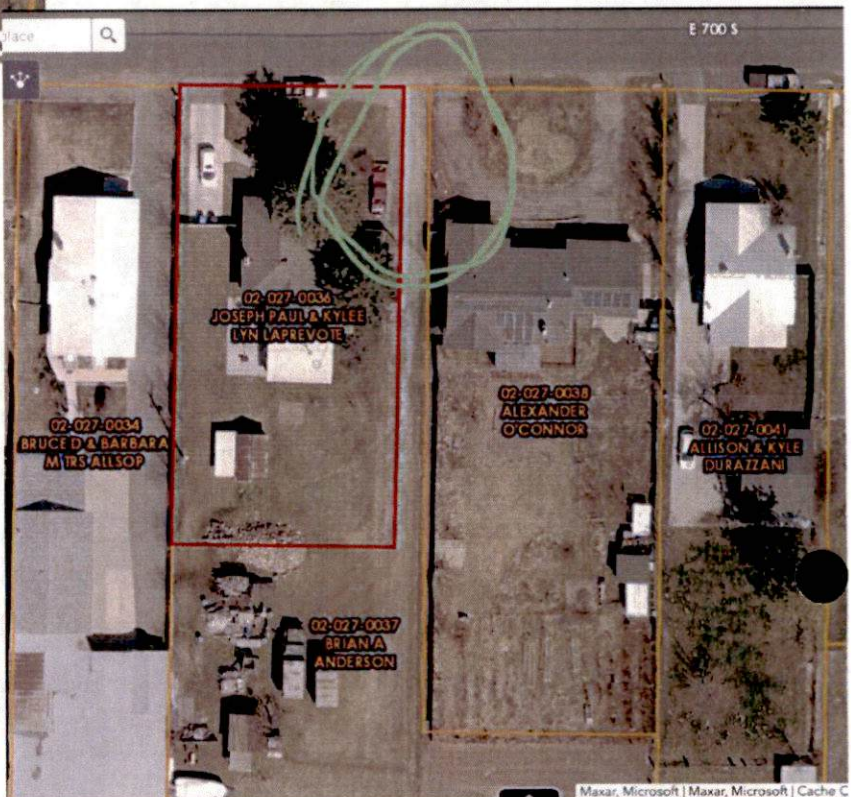








Panel 6

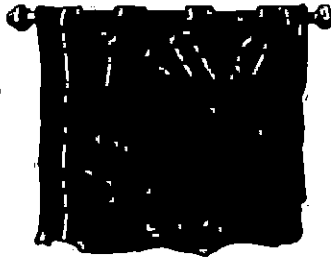




**Brandon J Smith**

Attorney at Law

**"Raising the Bar"**



648 Summwerwild Ave  
River Heights, UT 84341

Phone: 435-932-0543

E-mail: [bslawllc2@hotmail.com](mailto:bslawllc2@hotmail.com)

January 9, 2023

Commission Chair Noel Cooley  
520 S. 500 E  
River Heights Ut 84321  
[nhcooley@comcast.net](mailto:nhcooley@comcast.net)

**RE: Reinstatement of JV Lawn Care's Conditional Use Permit.**

Dear Mr. Cooley and planning commission: my name is Brandon Smith, my family and I have shared a property line with Juan since July of 2010. I intend to appear at the hearing to provide my support for him and to urge this commission not to revoke his Conditional Use Permit (CUP).

In general I feel that River Heights city and my immediate neighborhood benefit from allowing JV Lawn Care to operate this landscaping business. This city requires that each property have a minimum amount of landscaping, it further requires that each property maintain that landscaping. I feel it would be disingenuous of the city to require regular landscaping maintenance, and at the same time refuse to allow a landscaping business to operate in that same city. The property in question as well as the property across the street in Logan City are both well maintained by JV lawncare.

One of the complaints listed in the revocation of the CUP is that JV Lawncare is also a snow removal service. I fail to see how this is a surprise to anyone. JV Lawncare was performing snow removal at the time the CUP was granted. Additionally a quick google search of snow removal companies in cache valley pulls up nothing but landscaping companies.

As you are aware River Heights City Code (RHCC)10-20-2(C) 1-4 sets the standards for granting a CUP. It stands to reason that if these are the standards for granting such a permit they would also be the applicable standards for continued use of such permit. That is to say if JV Lawn Care currently meets the qualifications for a CUP then it would be pointless (and probably a violation of their due process rights) to revoke their current permit, just to have them reapply. The granting of a CUP requires this commission to substantiate the following:

**RHCC 10-20-2(C)**

1. The use is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining properties.
2. The streets providing access and other infrastructure to the subject property have adequate capacities or a suitable level of service for the conditional use.

3. Access to adjoining streets is designed to be constructed in conformance with this title.
4. The proposed conditional use provides adequate off-street parking and landscaping in conformance with this title. (Ord.; 1-22-2002)

In this case there are three adjoining properties, the one I occupy, that to the South, and that to the East. The activities of JV Lawn Care over the past decade have in no way interfered with the use and enjoyment of my property, In fact I have found quite the opposite. Unless one of the other two property owners adjoining the Property have provided negative comments at this hearing then the first qualification is met. Qualifications 2, 3, were substantiated on April 6, 2011, and neither the streets, nor other infrastructure have changed since that time. Finally the notice provided with this hearing asserts that there is no issue with on street parking or the landscaping of the property. Thus I feel the CUP was revoked in error and should be reinstated.

I would be happy to answer any questions you may have for me regarding this matter.

Sincerely

Brandon J. Smith esq.

To whom it may concern,

I have lived directly next door to JV Lawn Care since June of 2015. I have not had any issue with this business being run out of their home. During the summer there are vehicles parked across the street but I have never seen them interfere with traffic in any way. I have never had any issue with noise. I have never noticed more than 1 or 2 people coming or going at any given time. They have helped me many times in the past 8 years. I believe they are an asset to our community.

Thank you

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Young". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lisa Young

668 Summerwild Ave

435-770-2080

 Gmail

Sheila Lind <office@riverheights.org>

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**FW: JV Lawn Care**

1 message

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Noel Cooley <nhcooley@comcast.net>

Tue, Jan 10, 2023 at 1:35 PM

To: Sheila Lind <office@riverheights.org>, Cindy Schaub <cindy\_schaub@hotmail.com>, Heather Lehnig <heather.lehnig@gmail.com>, Lance Pitcher <lancepitcher@comcast.net>, Troy Wakefield <loganutahrealestate@gmail.com>

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**From:** KENNETH Sorensen <kengeri367@msn.com>

**Sent:** Tuesday, January 10, 2023 10:33 AM

**To:** nhcooley@comcast.net

**Subject:** JV Lawn Care

Noel our back yard connects to J V back yard with an irrigation ditch between we have been neighbors for many years there has never been any problems in all these years. They have some equipment in their yard and some repair work takes place but never have we had any problems with noise or too much equipment. They are great neighbors always wanting to help us in any way

They as a company do many lawns plus snow removal for us plus many of our neighbors, this is a business that is an asset to our neighborhood plus our community. it would be a travesty to not renew their business license. There are many other homes in our community that have more vehicles, equipment, not to mention dogs that create disturbance for neighbors than J V Lawn Care.

We urge you to allow this great family to continue to operate both their lawn care plus snow service.

Ken and Geri Sorensen

367 East 700 South

752-2081

Code Changes for Discussion  
January 11, 2023

**5-2-12: VIOLATION (Animal Control)**

Any person violating the provisions of this Chapter shall be guilty of a ~~Class "C" Misdemeanor~~, an infraction, unless the specific violation has another classification. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such.