

ORDINANCE NO. 23-0913-01

AN ORDINANCE OF THE ROCKVILLE TOWN COUNCIL ENACTING A TEMPORARY LAND USE REGULATION TO PROHIBIT DEVELOPMENT OF PARCELS REQUIRING SEPTIC SYSTEM WITHIN THE TOWN OF ROCKVILLE

WHEREAS, Utah Code Annotated Section 10-9a-504 authorizes local governments to enact temporary land use regulations on all or part of the Town, not to exceed six (6) months, when there is a compelling, countervailing public interest to do so; and

WHEREAS, the Town of Rockville has experienced increased interest in use and development of parcels within the incorporated area of the municipality; and

WHEREAS, the Town of Rockville has significant concerns regarding water quality, treatment of wastewater, access, zoning, use, traffic, utilities, public safety, building code, and improvements to the parcels in the incorporated area of the municipality and governing ordinances; and

WHEREAS, the Town of Rockville has significant concerns regarding the impact of development of parcels within the incorporated area that are over the primary aquifer collection and drainage area for the Town's primary culinary water source for the residents, that are near existing underground wells in the incorporated area, and that are proximate to the Virgin River; and

WHEREAS, the Town of Rockville has significant concerns regarding the ability to provide for the health, safety and welfare of the water sources, drainage, aquifer for the town water, private underground wells, the Virgin River in the incorporated area and the ability for land to be developed in a manner consistent with the current Land Use Code and General Plan; and

WHEREAS, there are connections to the Springdale sewer system, and parcels with such connections are exempt from this Temporary Land Use Regulation; and

WHEREAS, the Town of Rockville has secured funding from the Utah Department of Water Quality and assistance from Utah Geological Survey to conduct a nutrient and septic tank density study within the incorporated area of the municipality where septic systems will be required for development to determine maximum density. Said study received full support and commendation from the Department of Water Quality Board.

NOW, THEREFORE, BE IT ORDAINED by the Rockville Town Council, pursuant to Utah Code 10-9a-504 hereby:

1. Finds that compelling, countervailing public interest justifies this temporary land use regulation for the reasons stated above;
2. Prohibits temporarily the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval, stay on zone change, preliminary plat, final plat and building permits;
3. Prohibits the use of said land contrary to current land use regulations;
4. Mandates study of the parcels within the Town of Rockville for septic tank utilization, protection of underground wells and the Virgin River, and risks to the aquifer(s), underground wells, and Virgin River, for ingress/egress, and compliance with the town building code. Also, the study evaluates whether development will be suitable in the incorporated area along with other appropriate considerations for development within the Town of Rockville.
5. This temporary land use regulation shall become effective immediately upon adoption and posting in the manner prescribed by law and remain in effect until the Town, in coordination with

its referral agencies, determined that the above stated concerns have been addressed and justify support for its current regulations or changes to its regulations allowing development, provided however, that the duration of this temporary land use regulation shall not exceed six (6) months.

PASSED AND ADOPTED by the Town of Rockville Council on the 13th of September, 2023.

TOWN OF ROCKVILLE

Jeff Ballard, Councilmember

Pam Leach, Mayor

Michael Evenson, Councilmember

M. Honer-Orton, Councilmember

Dan McGuire, Councilmember

The foregoing Ordinance No. 23-0913-01 was posted in the cabinet on the north side of SR-9 near Dennett Lane, the foyer of the Rockville Town Office, and the cabinet on the north side of SR-9 near Bridge Road by _____ at approximately _____ AM/PM on _____.
