

From: Austin Dial <dialdrct@hotmail.com>
Sent: Monday, September 11, 2023 9:42 PM
To: rockville@rockvilleutah.org
Subject: Rockville

To whom it may concern,

I am a land owner up there on the mesa. I am opposed to it his decision you are trying to pass. Lots of places have septic tanks and it in no way affects the aquifer.. don't know for sure but since that's up on a mesa I'm betting the aquifer is probably hundreds of feet below. Common sense tells you there would not be any contamination! I feel you all don't want to have to spend any money for upgrades there on the mesa, so you're doing everything you can to stop any development. It's so not right, I pay my taxes and can't develop this land! Kay Dial

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From: Samantha Orvin <samantha@stgrealtor.com>
Sent: Tuesday, September 12, 2023 12:27 PM
To: rockville@rockvilleutah.org
Subject: Opposition for Ordinance 23-0913-01

Dear Members of the Town Council,

We wish to bring to your attention a matter of great concern regarding the proposed adoption of Ordinance 23-0913-01 by the Town of Rockville. Scheduled for enactment on Wednesday, September 13th, 2023, this new temporary ordinance seeks to impose a ban on any applications for lot development or improvement within our town that would necessitate a septic system or permit. It is with profound opposition that we express our sentiments towards this temporary ordinance, given its potential impact on nearly two-thirds of our community.

Additionally, we kindly request information regarding the funding acquired from the Utah Department of Water Quality, as well as the support received from the Utah Geological Survey for the nutrient and septic tank density study. We are perplexed as to why no prior notice was disseminated about the nature and purpose of this study.

Lastly, we seek clarification on the criteria defining "increased interest in the use and development of parcels," as referenced in the proposed ordinance.

We respectfully request that this letter be included in the meeting minutes scheduled for tomorrow.

Thank you for your attention to these matters.

Best,
Samantha & Lorin Orvin

rockville@rockvilleutah.org

From: Cynthia Garrett <cynthia@landparadise.us>
Sent: Tuesday, September 12, 2023 12:46 PM
To: rockville@rockvilleutah.org
Subject: Ordinance 23-0913-01

To Town Clerk:

I own 3 parcels in South Mesa and I strongly oppose this ordinance that would ban the development of parcels requiring a septic system. I would like to be able to develop my parcels of land and this ordinance is simply unacceptable for myself and all the other lot owners in Rockville that would need a septic system.

Please do not move forward with this ordinance.



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From: Mark Garrett <mark@boundlessbenefits.com>
Sent: Tuesday, September 12, 2023 1:07 PM
To: rockville@rockvilleutah.org
Subject: Opposition to Proposed Ordinance Banning Development of Parcels Requiring Septic Systems

Rockville City Council;

I am the owner of three parcels of land in Rockville, and I wish to express my strong opposition to the proposed ordinance that seeks to prohibit the development of parcels requiring a septic system. It is imperative that I, along with all fellow lot owners in Rockville facing the need for septic systems, have the opportunity to develop our respective parcels.

This proposed ordinance is not only unacceptable to me but also poses significant concerns for the entire community. I implore you not to proceed with this ordinance, as it would hinder our property rights and negatively impact the development potential of our land.

I request that you reconsider this ordinance and work towards a solution that respects the rights and aspirations of property owners in Rockville. Thank you for your attention to this matter.

Mark Garrett, Trustee
Millennium Freedom Trust

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From: Samuel Roth <bro_roth@hotmail.com>
Sent: Tuesday, September 12, 2023 5:35 PM
To: rockville@rockvilleutah.org; rockvillejeff@infowest.com; Dan McGuire
Subject: Town Council Sep 13th, Prohibition on Development of Parcels Served by Septic

Mayor and Council,

Legislative Action Item 1 on tomorrow's Council agenda indicates an action on prohibiting development on a very significant percentage of the parcels in Rockville. As far as I can tell, this item has not been on previous agendas or minutes, and has not been allowed a public hearing.

As an owner of property that was developable last week but does not have proximate access to the sewer system, this is of great concern to me. If the town developed the sewer system so that sewer access was provided in all public roads, I would gladly connect to the sewer rather than install a septic system, but until sewer access is available, I see prohibiting development on previously developable lots as a significant taking of property rights and value.

Hopefully, I am not understanding the scope of this proposed ordinance. Please forward this to the other council members for which I do not have e-mail addresses.

Samuel Roth
(435) 375-1180
40 N Cox Lane

From: Tydon Oler <ty@tydon.com>
Sent: Wednesday, September 13, 2023 1:31 PM
To: Town of Rockville; Jeff & Shirley Ballard; Pam Leach; Michael Evenson; Megan Honer-Orton
Subject: Public Comment for Ordinance # 23-0913-01

Vicki,

Please read the following into the meeting minutes of today's Town Council meeting:

I, Tydon Oler, strongly oppose Ordinance # 23-0913-01. This is nothing more than a reactionary attempt to further restrict the South Mesa property owners. Rockville Town Officials have realized that they have not just been wrong but have also been acting illegally in their refusal to recognize the South Mesa properties as "legal parcels". This is confirmed by Town Council discussion on the record during your February 15th, 2023 meeting at minute approximately 43:50.

Instead of looking for ways to further obstruct these owners you should apologize and explore ways forward towards everyone who owns property within the Town having full use and enjoyment of that property.

I highly doubt this petty reaction rises to the high standard of "compelling and countervailing" public interest. You have no active or current building permit applications before you. You successfully fought my transfer of additional water to the South Mesa, based in part, on you incorrectly referring to them as "illegal lots" during the protest period. Therefore, at this point in time, there is only one well in the area of the South Mesa parcels; and this well is only capable of supplying water to three properties! All other lots on the South Mesa have no water. This, therefore, is hardly a "compelling, countervailing" public safety need.

There is also no active subdivision applications before the Town South of the Virgin River; and to my knowledge you have no active building permit applications for new construction before the Town for all of the properties south of the River (a very few being actively contemplated). "Increased interest," hearsay, and "significant concern" is not compelling and countervailing public interest. To quote the Utah Office of Ombudsman, "So, to summarize, if an interest is a compelling, countervailing interest, then it is a "legitimate public concern"; "a serious problem" that calls for an "immediate amendment to a zoning ordinance." It is not just a "zoning reconsideration" that results in a "substitution of the judgment of current city officials for that of their predecessors."

Rockville has no evidence of a verifiable, "legitimate public concern" and if they have they certainly haven't shared it with the public.

You, as council members, should stop trying to obstruct, scheme, and swindle people from their property rights. Many property owners south of the Virgin River have owned their properties for many years... some even decades. Why now is it important to try to block future development? Only because you now realize you were wrong in your assertions the South Mesa Lots were illegal. How can you be so callous? These are property owners that own lots that were created before the Town was incorporated and have been paying taxes since the 1960s; before many of you built or bought your own homes here!

Thank You,

Tydon Oler

From: Amy Thompson <dearmisslynn@gmail.com>
Sent: Wednesday, September 13, 2023 2:28 PM
To: Town of Rockville
Subject: Public Comment for Temporary Ordinance #23-0913-01

Please forward this public comment to members of the town council and read into the record at tonight's meeting.

Members of the Rockville Town Council,

This comment is regarding the legislative action item before you this evening - enacting a temporary land use regulation to prohibit development of parcels requiring septic systems within the town of Rockville (Ordinance # 23-0913-01).

The temporary ordinance language indicates the town of Rockville is enacting this temporary ordinance in accordance with Utah Code 10-9a-504 relying on a finding of "compelling, countervailing public interest".

Temporary land use ordinances are enacted without any of the same notice/due process requirements of other land use statutes, and as proposed with this temporary ordinance, they can completely deny all changes in the use and development of private property for six months. Because of the restrictive nature of this temporary ordinance and lack of required due process, there is a higher threshold for legislative bodies to justify them. Temporary ordinances are for urgent unforeseen emergency matters supported by data and facts, not mere speculation or "*increased interest in use of development of parcels*". Rockville has provided no evidence to suggest this matter is urgent and no facts to support the need for this type of restrictive moratorium.

Furthermore, in order to maintain transparency, Rockville should provide a publicly available map clearly indicating parcels that currently require septic to be developed, so all owners of property within the incorporated town impacted by this temporary ordinance, should the Town Council adopt it, clearly understand the implications. Rockville should provide property owners with adequate information to be able to make informed comments, provide feedback, and identify issues with any land use or ordinance changes that result from this nutrient and septic tank study—these are the basics of good government!

Thank you for providing me with an opportunity to comment about this matter.

Sincerely,
Amy Thompson
Property owner in Rockville

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