

**Rockville Planning Commission
Public Hearing and Regular Meeting
Via Zoom Virtual and In Person Meeting
September 8, 2020 – 6:00 pm**

1. **CALL TO ORDER – ROLL CALL:** Chair Hamilton called the meeting to order at 6:05 p.m. Present were Ken Rybkiewicz, Cheryl McGovern, Jane Brennan, and Linda Brinkley. Town Clerk, Vicki S. Bell, recorded the meeting.
2. **DECLARATION OF CONFLICT OF INTEREST:** No conflicts of interest were declared.
3. **PUBLIC COMMENT:** No public comment was given.
4. **PRESENTATION BY MICHAEL HANSEN OF THE RURAL COMMUNITY CONSULTANTS HIGHLIGHTING THE CHANGES TO THE LAND USE CODE, ORDINANCES AND GENERAL PLAN** - Chair Hamilton made the following statement: For years, the Town recognized the need to update its land use ordinance to make it easier to understand and comply with state law. Back in May 2018 the Town applied to the state for funding support that would help them hire a planning consultant.

We wanted a professional perspective, but we also wanted someone who could be perfectly objective because they do not live here.

After the grant was received, the Town contracted with Rural Community Consultants to help us through this process.

Public Notice was provided in late 2018, and we got started.

The ultimate purpose of today's public hearing is for the Planning Commission to make a recommendation to the Town Council on the draft documents that have been refined since we got started.

We have asked our consultants to make a presentation that highlights the changes that are being proposed. Following their presentation, we will take any public comments, and then discuss what we want to do next.

Mike Hansen explained Towns in Utah have both the responsibility and the authority to regulate land uses within the Town's limits. State Code requires Towns to have a plan in place before any major investments are made: to build a park or a road. Every Town needs a comprehensive review every few years. The General Plan needs to mirror the sentiment of the community, which can only be ascertained by the Town Survey.

He explained the Zoning Map reflects no changes in policy. There were very few changes in the General Plan to conform to State and Federal Codes. They tightened up the transportation map.

Jane said the Town Vision Statement appeared to be removed from the General Plan. Michael said that was an error. The consultants would add the Town Vision back into the General Plan.

Mike said the Sensitive Lands Map is new. The flood information is provided by FEMA. The orange comes from the State's Geological Survey. Someone in the audience on site asked about the red dots downtown. Mike said he would find out about that. The information is not generated by them. The dark blue is where the river currently flows, and the hash marked area is where FEMA has said a flood could reach.

The former Transportation Map was very general. The State requires the Town to document where future corridors may be. Chair Hamilton asked if the red line is representative of the new corridor. He said he believes it is. The location of that line was given to him by the Town. She also expressed concern about the yellow road, stating that UDOT told planners they could not bring traffic over Smithsonian Butte until the new corridor is complete because much of Bridge and Grafton Roads are too narrow.

Mike said the Town had 26 or 28 Chapters in their Land Use Code, but there was some redundancy. They created some tables and charts. There is not any new policy. It is just easier

to use. And it is presently down to 11 Chapters right now. Land Use Attorneys will tell you definitions are critically important. They felt Rockville's definitions were out of date and they added quite a bit of illustration.

Ryan said some of the definitions do not apply at this time but are added to the Code for future use. In the definitions, the Building Code was changed by the State three years ago. We took out the paragraph trying to describe a building envelope and instead added an illustration.

Jane suggested we add something to the definitions stating that the flood hazard definitions are location at Chapter 10.9.

Cheryl said there is a definition for short term rental, but no definition for long term rental. Michael agreed to look for a definition and add it to the Code.

Chapter 1.20, under Nuisances and Abatement, Sherry Teresa made a comment about excluding farm equipment and farming activities. Cheryl said she thought the only way farm equipment could be a nuisance in an agricultural community was if it was of harm to someone physically. Michael did not want to put any hardship on agricultural activities, in keeping with State and Federal Codes. Chair Hamilton suggested "trash, rubbish, and abandoned or non-registered vehicles" be added to the nuisance portion of the Code. Clerk Bell was concerned one's definition of "abandoned" may not be the same as another's.

In Chapter 3, Jane asked about the Planning Commission Chair being able to serve three consecutive terms, when our old Code said two. Clerk Bell said we decided to change that because there are so few volunteers.

Jane is concerned about 4.1.8, discussing prohibited home occupations. She wants to add the wording "including but not limited to".

Cheryl asked if a "commercial kennel" is prohibited, and there is one in town now, could it be shut down? Chair Hamilton responded that the Doggy Dude Ranch is grandfathered in and has a Special Conditional Use Permit. Michael explained the rules being discussed tonight have not yet been fully adopted.

A discussion regarding the days to appeal occurred. In Section 6.2, paragraph 3, 10 days to appeal is specified, but in Section 1.24, paragraph 12, 30 days are given to appeal. And 1.24, paragraph 4 gives 10 days to appeal. The Planning Commissioners agreed unanimously to change the appeal time to 10 calendar days. Michael asked if we had an appeal form and Clerk Bell confirmed the Town does.

Jane suggested Chapter 7.3, agricultural exemptions be moved somewhere more appropriate; it is currently in the Subdivision Chapter. Linda suggested 9.1.23 is the Right to Farm Provisions, as a good place to put the agricultural exemptions.

Michael suggests getting rid of Habitat Management. Looking at the table located at 8.7.1, what is the difference between livestock grazing and the raising of animals?

There is a Federal Law that says you cannot restrict mobile homes or modular homes anywhere a single-family home will be allowed. Rockville can regulate parks because we only allow one home per lot. State Code requires the Town to permit compliant manufactured homes. Mayor Leach asked if a mobile home must be off its wheels. The State Code says the local municipality must allow manufactured homes on permanent foundations.

8.21.3 Congregate Living Facilities, number 10 says no CLF can be permitted within 660 feet of another CLF. Jane asked Michael if that was legal. Michael said they could research that. Cheryl asked how the Town would enforce the Code that said no CLF would be issued to anyone who is a current user of illegal drugs. She went on to say that should be the responsibility of the licensing board, not the Town.

The discussion then turned to the setbacks located at 8.17.2. It was decided to leave it as it is.

Jane suggested we add under Chapter 2, we add a reference to 8.19.2 for short term rental definitions.

Chapter 9.1.3, short term rental regulations, it was suggested we add a reference to the short-term rental overlay zone.

Chapter 9.2.11-6, on political signs, are we legally able to regulate the size and the time frame? Clerk Bell asked about free speech signs. Jacob Anderson wanted clarity. He said it sounds like from this discussion that anyone can put up a sign with any content and can leave it up as long as they want with no Town oversight. Cheryl said it is Freedom of Speech. The Town cannot regulate content but can regulate size.

Chapter 9.3.6 #5, about parking in the Town Community Center parking lot being for Park users only and change that to Community Center patrons. Cheryl asked about Town vehicles being exempt. Clerk Bell suggested we re-word to say the Town of Rockville is exempt from this parking restriction. Cheryl said she considers every resident part of the Town of Rockville. Clerk Bell suggested Town Vehicles instead of the Town of Rockville and Michael responded he liked "Vehicles belonging to the Town are exempt from the parking restrictions". Pam wants it to read "Town owned vehicles and equipment are exempt from the parking restrictions."

Cheryl asked why the Town's Code regulates Christmas lights. Chair Hamilton said the Christmas lights interfere with the night sky. Cheryl asked if the Commissioners could see her lights from their house. And Jane said no, but your neighbors can. Chair Hamilton said we are not making changes to the Code. The intent of this meeting is to make sure the proposed Code matches our existing Code.

Jane asked Michael if the Code is enforceable. Michael said the ombudsman does believe Code 1.19 is sufficient. Michael said if there is a violation, enforcement begins with a photo and a letter asking that the violation be corrected within 30 days. Jacob Anderson expressed concern about fair enforcement.

Michael and Cheryl discussed the genealogy of the document and the Town's inability to historically cite people.

5. **OPEN PUBLIC HEARING FOR PUBLIC COMMENTS ON THE AMENDMENTS TO THE ROCKVILLE TOWN LAND USE CODE, ORDINANCES AND GENERAL PLAN** - Cheryl McGovern **MOVED** to open the Public Hearing. Linda Brinkley **SECONDED** the motion.

VOTE on motion:

Ken Rybkiewicz – Aye
Cheryl McGovern - Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

No further comments were received.

6. **ADJOURN THE PUBLIC HEARING** – Jane Brennan **MOVED** to adjourn the Public Hearing. Linda Brinkley **SECONDED** the motion.

VOTE on motion:

Ken Rybkiewicz – Aye
Cheryl McGovern - Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

7. **DISCUSSION AND ACTION ON THE AMENDMENTS TO THE ROCKVILLE TOWN LAND USE CODE, ORDINANCES AND GENERAL PLAN** – Chair Hamilton asked if the Commissioners wanted to approve with the suggested changes and amendments. Linda Brinkley said she would. Cheryl McGovern said there did not seem to be much conflict, but there were a lot of changes. She felt we could go forward. Jane Brennan said she would like to approve it after the changes are made. Ken Rykiewicz agreed with Jane that there are a lot of legal things we are asking the Consultants to follow up on. Chair Hamilton agreed with Jane and Ken that the Commissioners should see the changes before voting to approve. Chair Hamilton **MOVED** to postpone the decision on the Land Use Code Update until the revisions are complete because there were several things that needed attention. Cheryl McGovern **SECONDED** the motion.

VOTE on motion:

Ken Rybkiewicz – Aye
Cheryl McGovern - Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

8. **APPROVAL OF THE MINUTES FOR THE JUNE 24, 2020 SPECIAL MEETING** – Jane Brennan **MOVED** to approve the minutes of the Special Meeting held on June 24, 2020. Ken Rybkiewicz **SECONDED** the motion.

VOTE on motion:

Ken Rybkiewicz – Aye
Cheryl McGovern - Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

9. **APPROVAL OF THE MINUTES FOR THE AUGUST 11, 2020 REGULAR MEETING** – Chair Hamilton said those meeting minutes were just released earlier the day of the meeting and asked if anyone had an opportunity to review them. Cheryl and Ken said they had not reviewed them. Clerk Bell suggested the Commission postpone approval. Chair Hamilton **MOVED** to postpone approval of the August 11, 2020 regular meeting minutes until next month. Cheryl McGovern **SECONDED** the motion.

VOTE on motion:

Ken Rybkiewicz – Aye
Cheryl McGovern - Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

Information/Discussion/Non-action items:

1. **TOWN OFFICE REPORT**

Chair Hamilton said there was no activity to report.

2. **PLANNING COMMISSION ADMINISTRATIVE BUSINESS**

- a. **NEXT PLANNING COMMISSION MEETING WILL BE OCTOBER 13, 2020** – Linda Brinkley has plans to be away, but not confirmed. Cheryl McGovern said there were

major changes being made at the hospital and she has no idea what her schedule will be in October, but she should be able to attend by phone if she must work.

10. **ADJOURN:** Linda Brinkley **MOVED** to adjourn. Cheryl McGovern **SECONDED**.

VOTE on motion:

Ken Rybkiewicz – Aye
Cheryl McGovern - Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

The Planning Commission Meeting adjourned at 8:47 p.m.

Minutes Prepared by:
Joyce Hamilton, Deputy Town Clerk
Town of Rockville

APPROVED:



Joyce Hamilton
Planning Commission Chair/Vice Chair

The foregoing minutes were posted in the cabinet of the Rockville Town Office by Wick S. Bell at approximately Noon AM/PM on Oct 14, 2020 and on the Rockville website.

Wick S Bell

