

**Rockville Planning Commission
Public Hearing and Regular Meeting
Rockville Community Center, Town Hall
July 13, 2021 – 6:00 pm**

1. **CALL TO ORDER – ROLL CALL:** Chair Jane Brennan called the meeting to order at 6:05 p.m. Present were Cheryl McGovern, Linda Brinkley, Ken Rybkiewicz, Brooke Wright, and Garth Tyler. Tim Arnold was excused. Town Clerk Vicki S. Bell recorded the meeting.
2. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM:** No conflicts were declared.
3. **PUBLIC COMMENT:** There were no public comments.
4. **CONSIDERATION AND POSSIBLE ACTION ON AN APPLICATION FOR A TEMPORARY USE / SPECIAL EVENT PERMIT FOR THE TRI-STATE ATV CLUB JAMBOREE BEING HELD IN MARCH 2022 – GLEN ZUMWALT:** Glen Zumwalt was last here in 2019 the last time the event was approved. He is asking for a three-day permit on March 17, 18 and 19, 2022 to enter the Town of Grafton with a maximum of 20 ATV units, that remain on-trail and limit their speed to under 15 mph in Rockville and Grafton. He brought Jubel DeMatt, the lead guide, trained to conduct the Gooseberry ride. The Jamboree is a 501(c)3 organization that donates their profits to those that have helped with the Jamboree and other charitable organizations that previously included the Town of Rockville. Donations are based on their profits for that year and are not guaranteed. The total number of people are limited to 850 registrants that participate in 26 different rides. Chair Brennan added that previously the Jamboree was asked to educate the ATV riders about the Rockville Ordinance, passed in 2016, that only licensed ATV's can drive on-road unless it is a special event. Often Jamboree participants return to the area independent of the event and will be better informed. Zumwalt responded that the education is conveyed to the participants with about 1000 members receiving pertinent information. He said the information will be posted to their website and communicated at the Jamboree as well. Chair Brennan asked about the 20 ATV's and 3 guides asking how far apart they ride. Zumwalt stated that it depends on the dust; all participants are stopped every few miles on the mesa to keep the group together. The Jamboree speed is limited to 35 mph even on trails that could handle higher speeds. Chair Brennan stated that the application says there will be 20 - 30 per day. She clarified there will be 20 ATV's plus 3 guides and asked if the 10 extra people are passengers. Zumwalt confirmed yes, the 10 extras are passengers. Ken asked about their route from Hurricane to Rockville. Zumwalt stated they will start in Apple Valley at the Chevron station, tour on top of Gooseberry Mesa and have lunch on the mesa. After that they come down to Grafton where they visit for about an hour, parking on the right side of Grafton Road, allowing for other traffic to pass through. Chair Brennan asked if they visit only Grafton, not Rockville. Zumwalt confirmed that they head out to the Grafton Cemetery and do not drive into Rockville. Cheryl shared concerns stating that traffic is only getting worse, and the Jamboree affects those who live near Grafton the most. She continued that it is a matter of time before others want to get in on permits to ride within Rockville. Garth asked if a lot of the Jamboree ATV's are not street legal. Zumwalt responded that is hard to answer as many participants come from out of state and with Jamboree guides controlling the activity, they keep participants all together. When the guides train for the event, their vehicles are street legal. Cheryl stated that she had expressed similar concerns in 2019 as Grafton has turned into a major highway with non-stop traffic. She believed that allowing a private function is no longer appropriate.

Chair Brennan began, whereas, the Tri-State ATV Club has a history of use of Rockville roads during their annual Tri-State Jamboree without significant damage to these roads or damage to the Grafton area, and, whereas, The Tri-State ATV Club acknowledges the Town of Rockville, in July of 2016, passed an ordinance prohibiting the use of off-highway vehicles (OHV) within the boundaries of the Town (Ordinance No. 16-0713-03) and the Tri-State ATV Club agrees to notify the Jamboree participants and also the club members that the operation of non-licensed ATV's is prohibited on Rockville roads, except by Special Permit. And, whereas the Tri-State ATV Club agrees to follow the requirements of a Special Event Permit as to speed (15 miles per hour), noise, litter (including human waste) and has agreed to signify to onlookers (by vests or obvious insignia on the guide ATV's or riders) that this is a Permitted Special Event and not a normally allowed activity. And, whereas, the Tri-State ATV Club has agreed to consider limiting the ride to the Grafton Cemetery in event of exceptionally muddy road conditions in order to limit road damage, and, whereas, the Tri-State ATV Club has explained this tour will originate in Apple Valley, follow Smithsonian Butte Road (aka Big Plains Road) continue into the Town of Rockville, stopping at the Historic sites of the Grafton Cemetery and the Grafton Townsite, they will travel in a group of all participants and guides the entire time they are on Rockville's roads with a designated leader, a following sweeper, and a third guide and, WHEREAS, the Tri-State ATV Club has agreed to not allow their tour to ride eastbound on Grafton Road from the Grafton Cemetery and only proceed to the Grafton Townsite and back. Whereas the application for a Temporary Use/Special Event Permit submitted by Glen Zumwalt for the Tri-State ATV Club for an organized, guide-led ATV tour with no more than 23 ATV's once a day for three days on March

17, 18, and 19th in 2022 is complete and fulfills the requirements of the Rockville Land Use Code Chapter 9.1.25, and in as such, does not violate the General Plan, Chair Brennan **MOVED** to approve the application. Linda Brinkley **SECONDED** the motion.

Vote on Motion:

Cheryl McGovern: Nay
Brooke Wright: Aye
Ken Rybkiewicz: Aye
Linda Brinkley: Aye
Jane Brennan: Aye

The motion passed with four ayes and one nay.

Glen Zumwalt commented that he appreciated the consideration and the fact that the Jamboree will be able to visit Grafton again. He also appreciated Cheryl's concerns as he sees the same issues in the Silver Reef at the museum in Leeds with which he is involved; they see the same issues with increased visitation.

5. Linda Brinkley **MOVED** to enter the Public Hearing. Ken Rybkiewicz **SECONDED** the motion.

Vote on Motion:

Cheryl McGovern: Aye
Brooke Wright: Aye
Ken Rybkiewicz: Aye
Linda Brinkley: Aye
Jane Brennan: Aye

The motion passed unanimously.

OPEN PUBLIC HEARING FOR PUBLIC COMMENTS ON A PROPOSED AMENDMENT TO THE ROCKVILLE LAND USE CODE CHAPTER 12 – ANIMAL CONTROL:

Robin Smith, resident of Rockville and Zion Animal Lovers President, expressed appreciation for compiling the Ordinance. She questioned 12.10 item C regarding a declared nuisance 'any dog found running at large more than three times within six months is declared a nuisance and declared a menace to public health and shall be impounded'. Her concern was related to the fee schedule, which is \$50, for the nuisance, dog at large. She asked if someone is a repeat offender, do the values of the fine increase such as double for a second offense, triple for a third offense etc. Chair Brennan stated that is not in the fee schedule but is something to consider. Ken asked specifically if Robin would like to see the fee increase with each additional offense. Robin said yes, for repeat offenders. Robin stated that since Springdale contracted with the LaVerkin Shelter a couple of years ago, we have seen a decrease in the repeat offenders as they impose fines at the Shelter. She continued to say that there are a number of repeat offenders for whom she had picked up their dog's numerous times and she would like to see a stiffer penalty for those folks.

Clerk Bell read a letter that the Town received from **Tydon Oler**: "I have concerns with 12.5 C, while no animal should needlessly be killed, it is necessary in farming to harvest livestock for family food production. It is also my understanding, if I remember correctly, comments made by Mayor Leach that it was requested by the townspeople she called and/or spoke with, that livestock be left out of this Ordinance. The entire 12.5 Section should exclude livestock or if included should perhaps define cruelty as according to acceptable animal husbandry practices per state law for livestock care. As Rockville claims to be an agricultural community, it seems contradictory to regulate livestock husbandry outside of acceptable agricultural standards. Could you please enter these comments into the public record at the next Planning Commission meeting? Thanks, Tydon Oler."

Chair Brennan stated that when she read 12.5 online, the wording states, "needlessly killed". Clerk Bell confirmed that the wording said, "needlessly killed". Chair Brennan said that in print, 12.5 read "willfully killed". She clarified that "needlessly" is the correct word and would like to change the wording in print from "willfully" to "needlessly". She shared that the online version is different than what is in print and would like to ensure that the two are the same.

6. **ADJOURN PUBLIC HEARING:** Ken Rybkiewicz **MOVED** to adjourn the Public Meeting. Linda Brinkley **SECONDED** the motion.

Vote on Motion:

Cheryl McGovern: Aye

Brooke Wright: Aye
Ken Rybkiewicz: Aye
Linda Brinkley: Aye
Jane Brennan: Aye

The motion passed unanimously.

7. **CONSIDERATION AND POSSIBLE RECOMMENDATION OF THE PROPOSED AMENDMENT OF ROCKVILLE LAND USE CODE CHAPTER 12 – ANIMAL CONTROL TO THE ROCKVILLE TOWN COUNCIL FOR APPROVAL:** Linda Brinkley addressed Section 12.5 and the possible omission of livestock, to which she did not agree. When she read through the habitation, safety, care, cruel and inhumane manner of treatment, she believed that livestock are just as important as other animals in all those areas. Chair Brennan asked about Linda's perspective on the verbiage being changed from "willfully killed" to "needlessly killed". Linda agreed that was a good change. Ken agreed to that change as well. He also wanted to discuss the fee schedule 12.10 as per Robin's request. Garth shared that an increase in fees with repeat offenders serves as a deterrent. Linda asked Robin if she sees more than three 'dog at large' events within a six-month period. Robin said no and she has seen a significant decrease in offenses since the contract began with the LaVerkin Shelter, as fines are enforced by both Springdale Police and the LaVerkin Shelter. She said there are a couple of residents that continue to allow their dogs to run at large. Cheryl and Brooke both agreed that fines should increase with multiple offenses. Cheryl stated that this LUC Chapter is more specific about dogs and not livestock. Chair Brennan asked the Commission about specific fine values relating to repeat offenses. The first time a dog is out at large, the owner receives a \$50. fine. If the dog is out a second time, she asked what fee should be charged. She asked if \$75 was appropriate. Everyone agreed. The third time would be another \$25 increase and be \$100 total. Everyone agreed. She continued to say that if a dog has been declared a nuisance, it has been at large three times already. The first 'declared a nuisance' fine is only \$50. She asked if an increase of \$25. for each additional violation would be acceptable for both 12.9 and 12.10 in the fee schedule. Everyone agreed.

Linda Brinkley **MOVED** to accept the new write-up on Chapter 12 Animal Control as listed in this document with the exception of one change on 12.5 C, where the word "willfully" will be changed to "needlessly" and on 12.17 schedule of violation amount, that we will change the one that refers to Section 12.9 allowing an animal to run at large, the fee change will increase \$25 for each additional infraction, starting at \$50 for the first offence, \$75 for the second offence and \$100 for a third offence. The next one that refers to Rockville Ordinance 12.10 will increase \$25, starting at \$50 for the first offence, \$75 for the second offence and \$100 for a third offence. Chair Brennan clarified that on 12.9 and 12.10 on the fee schedule of 12.17 those violations increase \$25 for each additional infraction. Ken Rybkiewicz **SECONDED** the motion. Cheryl wanted to ensure that when the independent group of three decide on each complaint, that their transparency will be clarified and that the Commission will be notified. Chair Brennan assured that everyone will be notified and that the Commissioners will alternate on that committee of three as complaints arise.

Vote on Motion:

Brooke Wright: Aye
Cheryl McGovern: Aye
Ken Rybkiewicz: Aye
Linda Brinkley: Aye
Jane Brennan: Aye

The motion passed unanimously.

8. **APPROVAL OF THE MINUTES FOR THE MAY 11, 2021 REGULAR MEETING:** Linda Brinkley **MOVED** to approve the Regular Meeting minutes for May 11, 2021. Ken Rybkiewicz **SECONDED** the motion.

Vote on Motion:

Brooke Wright: Aye
Cheryl McGovern: Aye
Ken Rybkiewicz: Aye
Linda Brinkley: Aye
Jane Brennan: Aye

The motion passed unanimously.

9. **APPROVAL OF THE MINUTES FOR THE MAY 11, 2021 WORK MEETING:** Chair Brennan **MOVED** to approve the Work Meeting minutes for May 11, 2021. Linda Brinkley **SECONDED** the motion.

Vote on Motion:

Brooke Wright: Aye
Cheryl McGovern: Aye
Ken Rybkiewicz: Aye
Linda Brinkley: Aye
Jane Brennan: Aye

The motion passed unanimously.

INFORMATION / DISCUSSION / NON-ACTION ITEMS:

10. TOWN OFFICE REPORT –

- a. Approval of a simple building permit for Jeff Sky for the installation of a new electrical panel.
- b. Approval of a simple building permit for Doyle Timmons for the installation of a new electrical pedestal for a water pump.

11. PLANNING COMMISSION ADMINISTRATIVE BUSINESS -

- a. **NEXT PLANNING COMMISSION MEETING WILL BE AUGUST 10, 2021.** Chair Brennan asked if all Commissioners will be available for the next meeting and all, but Garth will be available. Garth said he will call in as he will be away.

- 12. ADJOURNMENT:** Linda Brinkley **MOVED** to adjourn the meeting. Ken Rybkiewicz **SECONDED** the motion.

Vote on Motion:

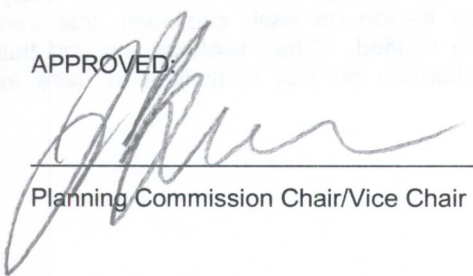
Brooke Wright: Aye
Cheryl McGovern: Aye
Ken Rybkiewicz: Aye
Linda Brinkley: Aye
Jane Brennan: Aye

The motion passed unanimously.

The meeting adjourned at 7:06 p.m.

Minutes Prepared by:
Pearl Meadows, Deputy Town Clerk
Town of Rockville

APPROVED:



Planning Commission Chair/Vice Chair

The foregoing minutes were posted in the cabinet of the Rockville Town Office by Uchis Bell at approximately 9:30 AM/PM on 11 August 2021 and on the Rockville website.

Uchis Bell



**Rockville Planning Commission
Public Hearing and Regular Meeting
July 13, 2021 6:00 p.m.
Rockville Community Center
43 E. Main Rockville, UT 84763**

PLEASE SIGN YOUR NAME AND PLACE OF RESIDENCE FOR THE RECORD

NAME _____

ADDRESS

Robin Smith	388 W Main RV
M. Hoyer-Denton	Rockville
Glen Zamwalt	183 El Dorado Ct Leeds, UT
JUBAL McNAUL	290 N MAIN LEEDS, UT