

**Rockville Planning Commission
Public Hearing and Regular Meeting
Rockville Community Center, Town Hall
July 12, 2022 – 6:00 pm**

1. **CALL TO ORDER – ROLL CALL:** Chair Brennan called the meeting to order at 6:00 pm. Present were Ken Rybkiewicz, Linda Brinkley and Jane Brennan. Both Garth Tyler and Tim Arnold were excused. Town Clerk, Vicki S. Bell recorded the meeting.

2. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM:**

There were no conflicts of interest disclosed.

PUBLIC COMMENT: Layney DeLange: I was wondering how I would go about getting a light bulb changed on Bridge Road. Do I need to bring a whole study about changing the color of the light bulb and how I might go about doing that? **Chair Brennan:** Do you live on Bridge Road? **Layney DeLange:** Yes. **Chair Brennan:** I understand. We are working on all of the lights to get them into a warmer shade. They are bright-white now and, frankly, they light themselves up more than they light anything else up. I want you to know that we are working on it and we are trying to find the right light bulbs that last long enough so those poor guys don't have to come up and change them all the time. **Layney DeLange:** Would you consider amber lighting like Toquerville. I hope you look into that because it is beautiful. **Chair Brennan:** Yes, that is a consideration; absolutely. Thank you for your comments Layney. **Layney DeLange:** [inaudible]. **Chair Brennan:** I want you to know that it is a topic of conversation that we have been working on.

3. **OPEN PUBLIC HEARING FOR PUBLIC COMMENTS ON THE PROPOSED NUISANCE AND ABATEMENT AMENDMENT TO SECTION 1.20 AND THE PROPOSED PREVENTION OF NOISE, NUISANCE OR TRESPASS AMENDMENT TO SECTION 8.19.5 OF THE ROCKVILLE LAND USE CODE:**

Linda Behling: The letter read by Linda is attached to these minutes. Linda also supplied written comments from three people that had visited her property. Clerk Bell read the letters into the minutes and the letters are attached to these minutes.

Michael Behling: I would have said something funny but she wears the pants in the family. I am glad that we are doing this proposed noise ordinance. We really need it. My part in this is to actually talk about the draft regulations – 1.20 and also 8.19.5. A little bit of background, I spent most of my life in the government regulatory agencies and in my career of over 40 years I was involved in actually writing regulations. The EPA, enforcing regulations, interpreting regulations. So regulations are my life. Basically I hope we can get the best product possible from your regulations. I've spent a lot of time in courts with regulations. I want the best product you can get and that relates to my comments here. When you look at the .. and I am only going to comment about what is in red. They are pretty well similar. **Chair Brennan:** For those in the crowd the red printed points are the part we are changing. **Michael Behling:** I don't have to add any comments except she already talked about the licensing, which to me, I think that is real good way to go in case you get challenges on your noise ordinance.

My comments relate to 1.20(a)(ii) and the same regulation is over on the side. It says "Disturbing the peace of the surrounding property residents by engaging in without limitation shouting, fighting, playing loud music, racing of cars, recreational vehicles on streets and roads, recreational shooting, engaging in outdoor recreational activities between the hours of 10 p.m. and 7 a.m. or other activities that effect the quiet enjoyment of the properties." That 10 a.m. can confuse people on the way it sits in the sentence because I think you are only talking about it in relationship to engaging in outdoor activities between the hours of 10 p.m. and 7 a.m. unless you are talking about that for the whole document; I am not sure about that. Why I bring that up is when you drop down to the table, the table is just hanging there with no set up. And it conflicts with this 10 to 7 and people might misinterpret that if they don't understand this regulation. Those two things conflict with each other. A lawyer would have fund with that, he would tear it apart. I love your numbers on the table. I've looked at the regulations from all over the nation. It's not like we are going coccoo on these numbers. Dozens of cities have the same numbers that you do. Ninety dBA from 7 p.m. to 8 p.m., 8 p.m. to 10 p.m., 60 dBA and 10 to 7, 50 dBA. Good numbers, they are enforceable. You hear Linda talk about they're not subjective. What I am trying to do is be able to connect the major body of that paragraph to this table. This table is just hanging there. I think you may need to look at [section] ii and maybe work on that a little bit, straighten it out a little bit. In 8.19.5 (b) it is basically the same regulation and the table just kind of hangs there.

Don't know what to do with it. The table is a savior for some of us. **Chair Brennan:** The table is the bail amount, basically the fees. **Michael Behling:** The table needs to be set up a little better grammatically than it is, so that there is no misunderstanding what it is trying to address. That would be my comment on that. Let's see if there is anything else. [Clerk Bell directed Chair Brennan to the table that Michael is referring to.] **Chair Brennan:** Well, does it? **Clerk Bell:** I see what Michael is saying. **Chair Brennan:** It doesn't go from 8 to 10, it doesn't have a variation in this paragraph from 8 to 10. **Michael Behling:** It is just hanging there; the table is just hanging, there is nothing setting it up. So it needs to be better set up or tied in some way back into the main body of that paragraph and I don't know what exactly this 10 p.m. to 7 a.m., how that relates. People can misunderstand that because that is the old regulation. Our old noise ordinance was 10 to 7. And you could get confused about that; you could say they're using the old regulation and then they are using this new regulation; which is applicable? Do you see what I am saying? It can be confusing to some people. Lawyers would love that. **Chair Brennan:** Now, how I read this, I don't want to take your time, but I read it to be all of these things, the shouting, fighting, playing loud music all runs under the nighttime from 10 p.m. to 7 a.m. Where all of that stuff that goes on needs to be below 50 dBA under the nighttime... **Michael Behling:** Some people might not understand that or misinterpret it. I'm saying clean it up a little bit. **Chair Brennan:** Okay. Alright, we will figure out. **Michael Behling:** Have I run out of all his time? **Chair Brennan:** You're close, but keep going.

Michael Behling: On your bright lights, that would be a(ib) bright lights that interfere with Dark sky regulations. Have you passed the dark sky regulation yet? **Chair Brennan:** We have had a dark sky ordinance for at least eight (8) years. **Michael Behling:** You may want to reference the current regulations with that. Otherwise if you didn't have any other regulations, you might need to define what bright lighting means, but you have it defined in other regulations. **Chair Brennan:** Dark sky regulations as noted in the chapter we need to note it.

Michael Behling: On section iv recreational shooting. I mean I almost got thrown out of town for wanting to adopt a "no shooting" ordinance and I don't even know if Rockville has one. But the recreational shooting of firearms, are you talking about skeet, is that what you are talking about? What kinds of different... I don't know what recreational shooting is. **Chair Brennan:** It is...

Michael Behling: Is it defined somewhere else in the document? **Chair Brennan:** No, I think it is common sense that recreational shooting is not, say, a farmer dispatching an animal. **Michael Behling:** Is hunting recreational shooting? Skeet is definitely recreational shooting. Is target practice recreational shooting? **Chair Brennan:** How do you feel about it? **Michael Behling:** Aeh. **Chair Brennan:** I think target practice is recreational shooting and I think skeet shooting. **Michael Behling:** I'm just dealing with the loud noise it comes from. **Chair Brennan:** What we are trying to define is: sometimes farmers need to dispatch animals and that is not who we want to regulate. That is a necessary occurrence in an agricultural area, and we prefer not to regulate that. **Michael Behling:** You may want to have a definition what recreational shooting is.

Then there is the next question the illegal consumption of drugs and alcohol. Illegal consumption. Illegal consumption. I am not sure that I know what that means either. Consuming illegal consumption. Does that mean you violate the local state driving law, or do you know what I mean? **Chair Brennan:** I would imagine... **Michael Behling:** I don't drink so .05 these days? Who drinks around here? **Chair Brennan:** I drink. The state limit is .05 for driving but not drinking. I would imagine illegal consumption of alcohol is by people who are underage or in an area that is not appropriate for them to be drinking. **Michael Behling:** You told me that but if I read that, I don't understand it without you telling me. You may need to clarify that in the document. Let me jump back since you're giving me some time on this 5 since I'm down in the cow world.

It says allowing pets or animals to create noise, you allow cows and goats, I've got cows and goats all over the place. Are they exempt because they are farm animals? **Chair Brennan:** Where are you referring to? **Clerk Bell:** Roman numeral V. **Michael Behling:** [he read the ordinance] I've got cows that get into my property that crap all over the place. I'm not going to get the Cox family to come back and clean up the shit, you know?! Excuse me. **Chair Brennan:** That means that if somebody's cows get out, and they create a mess and bust through a fence, the owner or custodian needs to clean that mess up. **Michael Behling:** Like on the noise, I've got cows bellowing all night. They're loud, they can bellow as loud as any human can. But it's agricultural, I don't give a dang if they're bellowing, that's part of... **Chair Brennan:** Neither do we. We don't care about cow noises. **Michael Behling:** You might want to clarify it some way that certain animals are exempt from that. **Chair Brennan:** Okay. **Michael Behling:** I have a question

on your fee schedule on 5, you have many issues addressed in this document. You have three issues addressed in the Fine Schedule on 5. Is it your plan on those other than they're just not going to get a fine? Is that what is going on? **Chair Brennan:** You're not going to get a fine for your cows.

Michael Behling: Those other ones that are not in this list, in other words, loud noise, bright lights or out of control weeds. Do the rest of them are exempt from fines, is that correct? They're not listed in the table, so that is why I ask. **Chair Brennan:** What we tried to do is the ones listed in the table encompass the ones that are listed in the body of the ordinance: 1.20. Loud noises can be... **Michael Behling:** I don't think there is anything here with loud noise. **Chair Brennan:** That is why everything falls under the one fee [bail?] schedule there. Linda Brinkley: Loud noises and bright lights falls under 8.19.5 table. **Michael Behling:** [inaudible] sorry to waste all your time. **Chair Brennan:** It's okay. This is what we're here for. **Michael Behling:** There is something here about weeds here. I'm not sure if I know what a weed is. One guy's weed is somebody else's flower. Let me give you an example: You get a bottle of herbicide out and look at the list of weeds and on it are some trees and shrubs. Do you consider Russian Olives along the river a weed? **Chair Brennan:** In 1.204, it says "how to control weeds deemed a fire hazard." So I think that is the difference. Are they out of control? Do you have plants that are not necessarily something that you planted on purpose and is it out of control? And is it a fire hazard? **Michael Behling:** Most people think of herbaceous plants as being weeds but they don't necessarily have woody plants could also be... **Chair Brennan:** I think that if we tried to list every plant that was allowed, and not a weed, we would have a book about four thousand... **Michael Behling:** I'm not talking about every plant but generalities. **Chair Brennan:** That is why we said out of control weeds deemed a fire hazard. We think that is general enough. **Michael Behling:** So [inaudible] shrubs and stuff you know... Of course you heard her comment about some of these being a hazard, right now it just says nuisance and [inaudible]. I wonder if there is some way that you can throw in a hazard once in a while on some of these. Noise could be a nuisance, noise can be a hazard, it just depends on how close you are to the source. When you say nuisance, that doesn't mean it causes hearing loss. Nuisance just means it gets in your way; it's passive. **Chair Brennan:** But before it gets to the point of a hazard, it's already a nuisance and our Code covers that.

Michael Behling: I wish there was some way you could talk about that, some way in the document. A lot of people think that noise is just a usage problem, it's that in itself. But consider this: Noise has some ramifications. Because we were worried about time, we cut most of the ramifications out. Some of these parties, especially parties in the future, may draw in people that are not law-abiding. I mean if you look at the Ravers, they want to come to small rural communities with limited police support. They're here to party and do whatever they want, don't get in their way. Some of the Ravers and gangbangers and they may come in. If you've got two gangbangers ending up at one of these parties, you're going to have a shoot-out; that is guaranteed. What Rockvillers have to worry about, it's not just noise, it's what the noise can bring into our community. You remember the shootout we had there by the bridge. Noise can attract individuals, you addressed some of this, about legal and this and that. What the town needs to know is that it can drag in some bad apples that want to party here. I'm not saying that right now, we've had rave parties in the past, but I don't think that they're occurring right now, at least in the overlay zone. I went through and looked at the criteria of what a Raver is, what the parties entail, but one of the main things about Rave parties is most communities don't want them, they actually ban them outright. They have an ordinance that does not allow Rave parties in towns. They are trying to keep some of these guys out that might get crazy and want to start shooting things. When you think about it, they come down to my area, the noise down there, you guys aren't hearing the noise. You don't hear the noise; we call it core of town up here. These guys are going down Bridge Road, Grafton Road down there, they come back, you've got two gangs meeting up on the road and you're going to have a shootout. They could shoot Pam Leach's property while she's out watering. They are coming up Grafton Road having a shootout, they may shoot her. Any one of you guys that live on the main street of Rockville, these guys could start shooting away. It's not just noise, it's the ramifications of noise and what is out there in the world. We are a small, residential, rural community, away from the world, and that is what we want. The globe is our symbol. These people out there in the world, there are a lot of gangs in St George, they want to come out here. They want to come out here. **Chair Brennan:** We'll do our best to prevent that. Thank you. Audience member: Are we in an overlay zone? **Chair Brennan:** No. Audience member: What are we in? **Chair Brennan:** 20-acre Open Space, I believe. Clerk Bell: I think they're 5 acres.

Michael Evenson: Do you have the decibel levels that you recorded on your property? Is most of the noise generated from what you call the Villa? **Michael Behling:** Not necessarily. It's from the properties all around me. **Linda Behling:** We don't want to name any properties. [inaudible]
Michael Evenson: It seems to me that you'll need to be a little more specific if you want this addressed properly.

Bernadette Cole: On occasion I can hear people having fun and I guess if I lived closer, I would be concerned. I know sometimes we were guilty, we rented Two Cranes one time and all of a sudden it was like, oh my gosh, it's 11:30 and we're still making a lot of noise. So I think the Bed and Breakfast, that happens on occasion, which is unfortunate, so maybe everybody needs to be reminded. And the helicopter, we're talking about noise and decibels I know it unrelated, but I wanted to remember that thing flies over the town and is annoying especially for some residents more than others, but especially south of the river.

Michael Behling: Of course where we are, we're close to Zion Helicopters so it impacts west Rockville more than anybody. I went to the FAA about all of the helicopters and asked them to do a study on flyovers and their rule right now, I said Zion National Park welcomes five million people and you've got lots of parks that are smaller than Zion that don't have, they call them Tourist Helicopter Management Plans that addressed how the FAA is going to enforce flyovers over Rockville. Springdale for example they have a plan currently that you can't fly into of the park. The only ones allowed in the park are the emergency helicopters. The FAA sent me a letter that said yes, we did studies years ago in the years from 2014 to 2019, you were under 50 flyovers per year. Since that year, they went up to 70 the next year, they did 2019. The rule right now with them is that if you're 50 and over, you need to have a management plan. They currently don't have one. I told them, sometimes I'm seeing sometimes 10 a day, 10 an hour sometimes. I asked what is going to happen? They said they realize that we will evaluate 2020 data or was it 2021? One or the other. The problem with that is, during the pandemic, so they'll have lower numbers. Now the pandemic is over they're going to really start having higher numbers. Then they said we've got 20 different parks ahead of you where we're going to do the review before we get to you guys. How long is that going to take? 20 years? Maybe we need to work with our Senators, I don't know if our Senators would try to help the FAA get out of their turtle crawl. 23 ahead of us, we need a management plan. What a management plan does for us, it tells us how the FAA is going to force these flyovers, they tend to go over the same properties as this lady has noticed, they fly over me all the time and sometimes they fly quite low. The standard right now is 300 feet. I've had guys fly 300 feet and it's shaking my walls. They actually shake the tiles off of my California style roof. I have to spend money to have the tiles reset. Helicopters are a problem.

Chair Brennan: They definitely are; however, they are not addressed in what we proposed to do to change our Land Use Code tonight. **Michael Behling:** They make noise but the noise is covered by the EPA. The EPA has a public noise standard of 70 dBA, 24-hour, time-weighted average. **Chair Brennan:** It's beyond the scope of what we are able to control or write in our Land Use Code. **Michael Behling:** Down at my place, they actually land on Grafton Road. It's not often but they have done that, they land on Grafton Road. **Chair Brennan:** That part is illegal. They are not allowed by our Land Use Code to land within town. **Michael Behling:** The whole reason I mention it, it doesn't apply to your regulations, you've mentioned. **Chair Brennan:** We are definitely aware of the problem.

Chair Brennan: Does anybody want to speak from Zoom? **Clerk Bell:** I see nobody wanting to speak from Zoom. **Chair Brennan:** We didn't tell you this, people on Zoom, if you would like to speak, either text or use your hand and we will let you speak as a part of the public hearing.

Angie Frabasillio: Can you tell me what device you're using to measure the decibels? **Michael Behling:** I have several meters. Piccolo II is one that is very expensive; I have almost \$1000. into that. **Chair Brennan:** As a side note to that, it is in the Town's Budget for us to get a couple of decibel meters so that we can go with our own calibratable decibel meter and measure the sound levels. **Audience:** [inaudible]

Layne DeLange: What would be the solution in dealing with a situation? Are the police going to come? Will they be cited? Are they going to close that place down? **Chair Brennan:** The solution that we are trying to pass here, we hope this is the solution that gives the police officers to make citations. Our old code did not specify the ordinance number or the fee schedule. Our new code will be able to be enforced by the police department and we're happy about that aspect of it. We have been working on this for four months at least and we have this copy that we are currently

working on and hope to find a solution. It has been run past our Town's legal counsel so that the fees are appropriate and legal. **Layne DeLange:** That would be the landowner that would receive the citation? **Chair Brennan:** You know, it depends. Something like the bright lights would fall under the landowner. Something like loud noises, I believe the violator needs to be cited right then because that is the way the noise will stop right then. **Audience:** Have these places been notified of the problem and the levels? **Chair Brennan:** Yes, they have, and we've done follow-up on several calls and sometimes they are told to quiet down and sometimes it doesn't seem that loud. So there is a variation of responses depending on the type of party that goes on. Does anybody on Zoom want to speak or ask questions?

Angie Frabasillio: I know that there are systems where perhaps if somebody is repeating the violation that there are systems that you can put on the household that will report the decibel level there and then at that time. I don't know if that could be part of your solution for repeat offenders. **Chair Brennan:** That sounds like a good suggestion. Thank you, Angie. If everybody is finished with their public comments, then I would move to close the public hearing.

4. **ADJOURN PUBLIC HEARING:** Ken Rybkiewicz **MOVED** to close the public hearing regarding our new additions and alterations to the noise ordinance. Linda Brinkley **SECONDED** the motion.

Vote on Motion:

Ken Rybkiewicz: Aye

Linda Brinkley: Aye

Chair Brennan: Aye

The motion passed unanimously.

5. **CONSIDERATION AND ACTION ON THE PROPOSED NUISANCE AND ABATEMENT AMENDMENT TO SECTION 1.20 OF THE ROCKVILLE LAND USE CODE:** **Chair Brennan:**

This is 1.20 of the Rockville Land Use Code. This is the general public initial noise and abatement. Notes that we've received from the public are that we need some sort of heading regarding daytime, evening and nighttime. What kind of heading would we put in there? **Clerk Bell:** If we made one change in the paragraph above it, we wouldn't need that heading. If we removed 'engaging in outdoor activities between the hours of 10 p.m. and 7 a.m.' and add 'as per the chart below', that removes the conflict. **Chair Brennan:** Okay. Does everybody like that? Great. Eliminate 'between the hours of 10 p.m. and 7 a.m.' and add 'per the table below'. **Clerk Bell:** I believe that takes care of that. The rest of what he brought up, definitions...

Chair Brennan: Would you like us to say under IV bright lighting that interferes with the dark sky regulations as noted in chapter 11 of the Rockville Land Use Code? **Linda Brinkley:** I think that is a good idea because a couple of the things that Michael mentioned I thought if we just put that in, because it's written in another place, what he was saying was that it was not explained. **Chair Brennan:** Those reference points never hurt as they can turn to Chapter 11 and learn about outdoor lighting.

Linda Brinkley: Do we want to address definitions of recreational shooting? **Chair Brennan:** I think that the term recreational shooting is definition enough. But that is my opinion. What do you guys think? **Ken Rybkiewicz:** I think if hunting is considered recreational shooting, is that covered under Utah Law that you can't hunt in your neighborhood? How does that get captured? To me, a lot of people do it to provide for their family so it's not necessarily recreational, but others may view it as going for the trophy rack. **Chair Brennan:** Is that an ordinance? **M. Honer-Orton:** Shooting is addressed somewhere else in our LUC. You can not shoot a gun within the town limits of Rockville unless you're hunting a critter that is disturbing your property. I remember it is in the code, although I can't recall specifically where that can be found. **Chair Brennan:** We'll need to do some research as I'm not sure that is still in our Code, about shooting in town limits. **Clerk Bell:** I'm not sure if that is in the LUC, it may be an ordinance, so we'll have to go through the ordinance book and see if it is an ordinance. **Linda Brinkley:** If it is an ordinance, wouldn't it also refer to things like skeet shooting and target shooting? **Clerk Bell:** I will pull that up tomorrow and see what it says. **Ken Rybkiewicz:** It's been observed that people will shoot up on crybaby hill, that one flat spot is the old shooting range; that is within city limits. I know that police have been called several times to that location. **Chair Brennan:** Can we look that up in the ordinances and make note of that in the shooting chapter? We also heard comments about the illegal consumption of drugs or alcohol. Do you think that needs to be defined more than 'illegal'? **Ken**

Rybkiewicz: I think adding possibly underage. **Chair Brennan:** Illegal or walking down the street, or underage is still illegal. Driving in your car is still illegal. **Ken Rybkiewicz:** I kind of feel that. **Chair Brennan:** I do too. Those were the concerns noted, specifically to the code.

Linda Brinkley: The thing on the weeds, don't we have that in another section? That talks about out-of-control weeds being a fire hazard. **Clerk Bell:** That is in Chapter 1. Yes. **Chair Brennan:** This is Chapter 1. Chapter 1.24 that is not being changed. The only thing that is being changed is that there is a fine for it now. It has always been in our code that way.

Clerk Bell: As I make these changes tomorrow, would you like the same changes made to both chapters? **Chair Brennan:** Yes, where they apply.

Ken Rybkiewicz: I know there was a question about who would receive the fine and I'm not seeing the revisions reflect being specific to the Landowner or the... **Clerk Bell:** My recollection is that we were going to leave that up to the police officer that is dealing with the situation. **Ken Rybkiewicz:** Do we need to have that as a part of their toolbox? **Chair Brennan:** There are a couple of things: the overlay zone has specific regulations that if they have positively violated the rules repeatedly then they can lose their right to do what they are doing. They can lose their right to be in the overlay zone. And these issues are the way that we can substantiate these... **Ken Rybkiewicz:** I understand but does the police department report back to the town where they issued the citation for a noise ordinance at a particular parcel over the weekend? How does that get tracked or documented? **Chair Brennan:** It takes a GRAMA request from our police department which we have done before – to get that information because it is a private matter. **Linda Brinkley:** The GRAMA request, we've done that with the Springdale Police? **Chair Brennan:** Yes. **Linda Brinkley:** Do we have to do that with each incident? **Chair Brennan:** I think we should do it periodically. **Clerk Bell:** Depending on the activities, quarterly or every six months. **Linda Brinkley:** What if it's not Springdale that is called? What if it is the County? **Clerk Bell:** We can also send GRAMA's to them. **Linda Brinkley:** That would be nice because we're giving permits for some of this stuff. If we know what is done... **Chair Brennan:** Absolutely. We need to be able to keep track. That way the only legal way for us to do that is to send GRAMA requests to these law enforcement agencies. That way we can keep the property owners following the rules. My point and I believe Michael Behling's point is when this is going on, it needs to stop right now; the party needs to end, and those people need to go home and be quiet. The way to do that is to have the police able to cite who is in charge here, who is renting this property? Okay, here is your ticket. Stop this now. And if you don't stop it now, we're going to be back in twenty minutes and we're going to arrest you. I don't know if they can do that – but I hope so. My view on the renters in the overlay zone being the recipient of the ticket is in order to stop the violation immediately. **Linda Brinkley:** If that continues to happen with the renters in the overlay zone, shouldn't there also be some way that the owner gets a record of this like we expect to get with the GRAMA thing from the police? **Chair Brennan:** He can also ask for a GRAMA request from the police department and keep a record of it. **Linda Brinkley:** If not, we can call him and tell him what we've got.

Chair Brennan: Yes. Definitely we will. Are there any other changes that you would like to see in 1.20? **Clerk Bell:** He did address animals... pets or animals, the way I interpret this is that pets or animals are out roaming the streets and therefore they are causing a nuisance. I don't know if that needs any further... **Linda Brinkley:** That is on our Animal Ordinance chart. **Ken Rybkiewicz:** It may be a simple 'refer to Chapter whatever for further clarification'. **Chair Brennan:** Okay, good point. Refer to Chapter 12. **Linda Brinkley:** It would be 1A roman numeral 5 refer to Chapter 12. **Chair Brennan:** In the very first one, 1.20.1 it does say "i.e. Barking dogs see Chapter 12". The next place that it mentions animals let's say 'see Chapter 12'. That is roman numeral V.

Ken Rybkiewicz **MOVED** to adopt these changes as discussed to Chapter 1.2 of the LUC.
Linda Brinkley **SECONDED** the motion.

Vote on Motion:

Ken Rybkiewicz: Aye
Linda Brinkley: Aye
Chair Brennan: Aye

The motion passed unanimously.

6. **CONSIDERATION AND ACTION ON THE PROPOSED PREVENTION OF NOISE, NUISANCE OR TRESPASS AMENDMENT TO SECTION 8.19.5 OF THE ROCKVILLE LAND USE CODE:**

Chair Brennan: This falls within 8.19 which is specific to the overlay zone. Clerk Bell has been noting the changes that go across the board. The hours of 10 to 7 in Section 5b are going to be changed. Bright lights, refer to Chapter 11 and animal disturbances refer to Chapter 12. Those are the changes I have that we've discussed at this meeting.

Ken Rybkiewicz: In speaking with one of the Springdale Police officers, in a land use issue that we've been working on up on Crybaby Hill, I do seem to recall Megan's point about there being some language about shooting within town limits and I think that his interpretation of what we have written is that it is within 500 or 600 feet of a structure that you're prohibited of discharging a firearm within city limits. I think that was congruent with Utah law if I'm not mistaken. **Linda**

Brinkley: That is all? **Ken Rybkiewicz:** I think so. I think that was his understanding of our ordinances because we deal with the LUC. **Clerk Bell:** When and if I find this ordinance, I will send copies to all of you so that you can see it. **Chair Brennan:** Yes please. And 500-600 feet of a structure, might be how the county notes it. It sounds like County language.

Linda **Moved** to recommend the changes of 8.19.5 General Provision to the Town Council. Ken Rybkiewicz **Seconded** the motion

Vote on Motion:

Ken Rybkiewicz: Aye

Linda Brinkley: Aye

Chair Brennan: Aye

The motion passed unanimously.

7. **APPROVAL OF THE MINUTES FOR THE JUNE 14, 2022, REGULAR MEETING:** Chair

Brennan **Moved** to approve the minutes from June 14, 2022 regular meeting.

Linda **Seconded** the motion.

Vote on Motion:

Ken Rybkiewicz: Aye

Linda Brinkley: Aye

Chair Brennan: Aye

The motion passed unanimously.

INFORMATION / DISCUSSION / NON-ACTION ITEMS:

8. **TOWN OFFICE REPORT:**

- a. Approval of an Agricultural Exemption Acknowledgement submitted by Lyman Whitaker & Stacy Christensen for the building of a 24'x24' agricultural building on their property located on Grafton Road (east of Smithsonian Butte Road) to support orchard activities.

Chair Brennan shared that they have a registered agricultural property and that the Planning Commission does not need to approve the 24'x24' building. It falls within the setbacks of their property line, and it falls within the structural height limitations that the town requires. The building will be 90 feet from the wash which meets the sensitive lands criteria. Ken asked about the view-shed from Smithsonian Butte Road and the building's proximity to a National Scenic Byway. Chair Brennan asked about the possibility of squatters using the building for camping due to its proximity to the BLM area. Clerk Bell offered to call the BLM office and inquire as to their requirements.

9. **PLANNING COMMISSION ADMINISTRATIVE BUSINESS:**

- a. Next Planning Commission meeting will be August 9, 2022.

10. **ADJOURNMENT:** Ken **Moved** to adjourn the meeting. Linda **Seconded** the motion.

Vote on Motion:

Ken Rybkiewicz: Aye

Linda Brinkley: Aye

Chair Brennan: Aye

The motion passed unanimously.

The meeting adjourned at 7:19 p.m.

Minutes Prepared by
Pearl Meadows
Town of Rockville

APPROVED:



Planning Commission Chair/Vice Chair

The foregoing was posted in the foyer cabinet of the Rockville Town Office by Vicki S. Bell at approximately
9:00 ~~AM~~ PM on 11 August 2022, on Rockville's Website and the Utah Public Notice Website. ~~Posted to~~
~~Spectrum Events~~ NA.

Vicki S. Bell



**Rockville Planning Commission
Public Hearing and Regular Meeting
July 12, 2022 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

MARIL EDDINGSTON	5485. 170 E. TWIN, UT
Michael J. Evenson	634 E. Main, Rockville, UT
Michael & Linda Ellis	230 S. 999 W Rockville UT
M. Facer-Ortiz	Rockville
Bernadette Kane Cole	50 Bridge Rd Rockville
Layne Delange	47 BRIDGE