

Rockville Planning Commission
Public Hearing and Regular Meeting
March 13, 2018
Rockville Community Center, Town Hall

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7 1. **CALL TO ORDER – ROLL CALL** – Chair Jane Brennan called the meeting to order at 6:00 pm. The
8 following members of the Rockville Planning Commission were present: Bob Ford, Cheryl McGovern,
9 Joyce Hartless, Linda Brinkley and Jane Brennan. Town Clerk, Vicki S. Bell, recorded the meeting.
- 10 2. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM** - There were no conflicts
11 declared.
- 12 3. **PUBLIC COMMENTS** – There were no public comments.
- 13 4. **DISCUSSION AND ACTION ON AN APPLICATION FOR A TEMPORARY USE/SPECIAL EVENT**
14 **PERMIT FOR VACATION RACES “ZION ULTRA 100 MILE” RACE TO BE HELD APRIL 20 – 21,**
15 **2018 BY SALEM STANLEY -** Mr. Stanley stated that this is the seventh year doing the event. The
16 first five or six miles of the race will go up Smith’s Mesa Road, which added a few miles, so we dropped
17 the miles off of Grafton Mesa’s drop. So according to Google Earth, we’ll run about 1500 feet inside of
18 the town of Rockville boundaries. Our fastest runners will be there around 3pm on Friday the 20th and
19 the slowest runners will be coming through by 3 am on Saturday, the 21st. So there’s a 12 hour window
20 where we’ll see about 150 people pass through. There will be no aid stations. There will be some
21 minimal flagging.

22 Mr. Stanley stated that their second race, the Zion Half Marathon is historically run through town from
23 Virgin to Springdale. Last year we could not do that because of road construction, so we moved to the
24 east side. This year we again face road construction, so our planned course will take us up Smith’s
25 Mesa and down Kolob Terrace Road. It will be held on April 8th I think. In 2019, we will return to our
26 original course and it will be held the last weekend of February.

27 Mr. Stanley stated that the Zion Ultra 100 Mile race will climb up from Virgin to Gooseberry Mesa and
28 then cross the desert to Grafton Mesa. The course will not drop down into Grafton or the cemetery.
29 BLM has been working on some trails for a while now. If they come to fruition, the course will attempt
30 to include them as much as possible. He does not see them coming off the mesa in the future. This is
31 a cup less race, zero waste. We are starting our own company to do zero waste services. They are
32 running down Flying Monkey. The course will run up Smith’s Mesa, does a loop up there and then
33 come down Flying Monkey.

34 Chair Brennan stated the insurance is in order, the application is in order, and Vacation Races have a
35 tremendous history of not being invasive or polluting. They have a good reputation with the Town.
36 Even though it’s a minimal amount of acreage in our Town, they did step forward and make application.

37 Whereas the application for a temporary use special event permit for the Zion Ultra 100 submitted by
38 Vacation Races is complete and is consistent with the General Plan, does not contradict our Land Use
39 Code Section 7.25, Linda Brinkley **MOVED** we approve this application. Bob Ford **SECONDED** the
40 motion.

41 **VOTE on motion:**

42 **Robert Ford - Aye**
43 **Cheryl McGovern – Aye**
44 **Joyce Hartless - Aye**
45 **Linda Brinkley - Aye**
46 **Jane Brennan – Aye**

47 **The motion passed unanimously.**

- 48 5. **OPEN PUBLIC HEARING FOR PUBLIC COMMENTS ON A PROPOSED AMENDMENT TO THE**
49 **ROCKVILLE LAND USE CODE TO AMEND CHAPTER 5 – HOME OCCUPATIONS TO ESTABLISH**
50 **TWO CLASSES OF HOME OCCUPATIONS AND CLARIFY THE APPLICATION PROCESS** - Linda
51 Brinkley **MOVED** to open the public hearing. Bob Ford **SECONDED** the motion.

52 **VOTE on motion:**

1 **Robert Ford - Aye**
2 **Cheryl McGovern – Aye**
3 **Joyce Hartless - Aye**
4 **Linda Brinkley - Aye**
5 **Jane Brennan – Aye**

6 **The motion passed unanimously.**

7 Chair Brennan explained any change to the Land Use Code must be brought before the Town. The
8 Planning Commission takes those Public Comments and decides whether to incorporate those
9 recommendations to the Town Council. Chapter 5 of the Land Use Code pertains to Home
10 Occupations, often referred to as Home Based Businesses. The reason this is being considered for a
11 change is to come into compliance with a new state law, which determined we are no longer able to
12 charge a licensing fee for a business which is incidental and secondary to the use of the residence.
13 The term “incidental and secondary” is most important. That means our home occupations have not
14 changed. If your neighbor has a business that is acceptable now, it should be acceptable under these
15 new changes in this Chapter. Other changes were made for clarification and to be current with the
16 home occupation codes of nearby communities. The two different classes of home occupations, as
17 clarified in the new Chapter 5.2 exist now, but are separated for clarification.

18 Megan Honer-Orton expressed concern that several items in the new chapter directly contradict the
19 way her Bed & Breakfast is run.

- 20 6. **ADJOURN PUBLIC HEARING** - Bob Ford **MOVED** to go out of Public Hearing. Linda Brinkley
21 **SECONDED** the motion.

22 **VOTE on motion:**

23 **Robert Ford - Aye**
24 **Cheryl McGovern – Aye**
25 **Joyce Hartless - Aye**
26 **Linda Brinkley - Aye**
27 **Jane Brennan – Aye**

28 **The motion passed unanimously.**

- 29 7. **DISCUSSION AND ACTION ON A PROPOSED AMENDMENT TO THE ROCKVILLE LAND USE**
30 **CODE TO AMEND CHAPTER 5 – HOME OCCUPATIONS TO ESTABLISH TWO CLASSES OF**
31 **HOME OCCUPATIONS AND CLARIFY THE APPLICATION PROCESS** – Chair Brennan discussed
32 removing “Bed and Breakfast” from the definitions. She clarified that our rehab facilities are not under
33 our Home Occupation Chapter. The Doggy Dude Ranch was grandfathered in. We were approached
34 by someone who wanted to train service dogs and have the dog picked up after it’s trained. The
35 Hirschi Fruit Stand is agricultural. Any time the public comes to a home occupation residence, Fire
36 Marshal approval will be required. A physician asked to have patients in their home. That’s a public
37 home occupation. Selling crafts from your home is not allowed under our home occupation code.
38 Professional services by appointment would qualify as a Public Home Occupation.

39 Joyce suggested we change the definitions to include “Bed and Breakfasts are a special Class 1 Public
40 Home Occupation” governed by Chapter 6 of the Land Use Code.”

41 Bob does not want to use the word professional. Chair Brennan believes if you’re being paid, you’re a
42 professional. Chair Brennan questioned Section 5.6 (F) that says “no motorized, mechanical, or
43 electrical equipment”. Cheryl asked what if you’re a sculptor and you weld? The welder could be
44 covered by the “home crafts”. Chair Brennan asked what if you’re the tree guy and you have a
45 chipper? Some residences have those. And it could be considered an agricultural use. Significant
46 discussion ensued. Clerk Bell suggested “shall be considered on a case by case basis”.

47 Various scenarios were discussed.

1 Clerk Bell suggested a home occupation should perhaps be contained within the home. Bob suggested
2 that should include the property as well. Joyce suggested that when a home occupation spills out into
3 the yard that looks like a commercial operation and should perhaps be moved to a commercial lot. Bob
4 then went on to discuss other scenarios. Wood carvers and metal sculptors may be doing their
5 business on the property and not likely inside the home.

6 Chair Brennan suggested adding to Section 5.6 (A) that if the home occupation is mainly conducted
7 outside in the yard space, it needs to be taken under consideration on a case by case basis. After
8 further discussion, it was decided that in the event the home occupation is primarily outside the
9 buildings, noise and visual disturbances must be mitigated: build a fence, plant vegetation.

10 Another scenario was discussed and the enforcement opportunities were discussed: post office
11 shaming and non-compliance may lead to revocation of license. Chair Brennan will go discuss this
12 issue with this resident first.

13 Discussion ensued about "no display". Does this include display of artwork that is not for sale? No,
14 you are allowed to enjoy your artwork by displaying it so long as it is not for sale.

15 Chair Brennan asked Joyce if there was any reason we could not eliminate Section 5.6 (N).

16 Chair Brennan questioned Section 5.7 (A) "Public Home Occupation Class 1" shall allow for display and
17 sale of items within the business. Should this be restricted to the business, no nick-knacks? To say its
18 okay for a Class A Public Home Occupation to set up a display inside and sell items is that fair for non-
19 public home occupations? Jams and jellies are agricultural. We decided to add "within the home and
20 limited to that business".

21 Joyce quoted LUC 6.3 "Souvenir sales are permitted to registered guests."

22 Discussion ensued about professional services vs. product sales. Chair Brennan points out the code
23 allowing for the care of three children. She feels services were allowed under our LUC, but not product
24 sales.

25 We're trying to avoid traffic and parking problems, and the look of commercialism. There are no
26 product sales under either category of home occupation.

27 You can ship products to the customer, but they cannot come to the home and select their preferred art
28 piece.

29 Clerk Bell suggested we scratch Section 5.7 since we describe the two types of home occupations at
30 the beginning. Now the conditions state what can and cannot be sold. Chair Brennan suggested we
31 remove all wording regarding retail sales, and replace with there shall be no display of goods . . . other
32 than the sale of goods over the telephone and delivered to the customer. On Section 5.6 (G), sales,
33 goods or materials, remove sales and goods, leaving only materials. Clerk Bell assured the Planning
34 Commission she could get the edits completed in time for the Town Council meeting. Bob suggested
35 Clerk Bell send to the planning commission by email for final review. Chair Brennan explained to Bob
36 there were always two classes of home occupations at Section 5.7 (H). All home based businesses still
37 have to register every year. Class two will not have a licensing fee due to new State law. Clerk Bell
38 explained a new Town ordinance will define the fees.

39 Chair Brennan **MOVED** the Planning Commission recommend the changes to the Rockville Land Use
40 Code Chapter 5, Home Occupation, to the Rockville Town Council with the changes that were
41 discussed. Linda Brinkley **SECONDED** the motion.

42 **VOTE on motion:**

43 **Robert Ford - Aye**
44 **Cheryl McGovern – Aye**
45 **Joyce Hartless - Aye**
46 **Linda Brinkley - Aye**
47 **Jane Brennan – Aye**

1 **The motion passed unanimously.**

- 2 8. **APPROVAL OF THE MINUTES OF THE FEBRUARY 13, 2018 REGULAR MEETING** - Chair Brennan
3 recommended a couple of changes. Bob Ford **MOVED** to accept the minutes with the proposed changes.
4 Cheryl McGovern **SECONDED** the motion.

5 **VOTE on motion:**

6 **Robert Ford - Aye**
7 **Cheryl McGovern – Aye**
8 **Joyce Hartless - Abstained**
9 **Linda Brinkley - Aye**
10 **Jane Brennan – Aye**

11 **The motion passed unanimously with one abstention.**

12 9. **PLANNING COMMISSION ADMINISTRATIVE BUSINESS** -

13 Bob will not be here in April. Linda asked when the next newsletter was coming out. Clerk Bell
14 responded May. Linda will prepare a newsletter article regarding the addresses. Bob stated that issue
15 came up on the fire board. Cheryl has been working on the storage container issue, but did not have it
16 ready for the 10-day review. We will pass it around by email, for discussion, not votes, and no
17 decisions. Bob discussed issues going on with the fire board. The issues are more complex than
18 anyone imagined at first. They're using last year's budget, but cutting the staff, so there should be an
19 \$180,000 savings, so now we're subsidizing Hurricane's Fire budget with our tax dollars. And there's
20 also the issue of our reserve fund, worth over half a million dollars, we've been building for 30 years.

- 21 10. **ADJOURN** - Bob Ford **MOVED** to adjourn, Linda Brinkley **SECONDED** the motion. Meeting adjourned
22 at 7:40 p.m.

23 **VOTE on motion:**

24 **Robert Ford - Aye**
25 **Cheryl McGovern – Aye**
26 **Joyce Hartless - Aye**
27 **Linda Brinkley - Aye**
28 **Jane Brennan – Aye**

29 **The motion passed unanimously.**

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31 Minutes Prepared by:

32 Joyce H. Hartless
33 Deputy Town Clerk

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36 APPROVED:

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39 _____
40 Planning Commission Chair/Vice Chair

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42 *The foregoing minutes were posted in the cabinet of the Rockville Town Office by _____ at approximately*
43 *_____ AM/PM on _____ and on the Rockville Website.*
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46 _____