

Rockville Planning Commission
PUBLIC HEARING
April 10, 2012
Rockville Community Center

1. **CALL TO ORDER AND ROLL CALL** – Chair Sharon Hatfield called the meeting to order at 7:00 p.m. The following members of the Rockville Planning Commission were present: Rob Snyder and Vivian Cropper. Logan Hebner arrived at 7:13 p.m. Town Clerk Elaine Harris recorded the meeting.
2. **DECLARATION OF CONFLICTS OF INTEREST WITH AN AGENDA ITEM** – Rob Snyder declared his conflict with item number four, as he was the applicant.
3. **PUBLIC COMMENT PERIOD** – There were no public comments.
4. **ACTION ON AN APPLICATION FROM THE ROCKVILLE PIPELINE COMPANY FOR ZONE CHANGES FROM:**
 - a. **Rural Residential One Acre to Public Use for Parcels R-16-A, R-165-B-1, and R-165-B-2. Said parcels are east of the Rockville Cemetery.**
 - b. **Open Space 20 Acres to Public Use for parcels R-152-A-5 and R-152-A-12. Said parcels are located on the south bench and contain the culinary water storage tanks for Rockville.**

Chair Hatfield pointed out that if Rob Snyder abstains from voting on this item, the Planning Commission is without a quorum. Although Logan Hebner was expected to arrive shortly, the agenda could not be modified due to the notification requirements of a public hearing. Rob indicated his willingness to vote on the item, if necessary. Vivian noted that Rob does not have a personal conflict or anything to gain personally from the rezoning. As the applicant, he is acting on behalf of the Rockville Pipeline Company. The Planning Commissioners all indicated their approval of allowing Rob to vote on the item.

Chair Hatfield explained that the Rockville Pipeline Company would like to rezone five parcels of property to Public Use. Three of the parcels, which are located east of the cemetery, are zoned Rural Residential One Acre, and the remaining two parcels, which are on the south bench, are zoned Open Space 20 Acres. Rob pointed out that the parcels are all pre-existing non-conforming because they do not comply with the size restrictions of the zone. The property is used to house buildings in conjunction with the distribution of culinary water to Town residents. Further, rezoning the property would bring it into conformance with the zone because there are no minimum lot sizes in the Public Use Zone. Vivian stated that the Public Use Zone was created only recently.

Because the five parcels in question are all legally owned by the Rockville Pipeline Company, which provides culinary water to the Town of Rockville; and because the request that the parcels be rezoned from their present designations to the Public Use zone meets the requirements as outlined in Section 20.2, which as a permitted use specifically allows fire protection services, public service utilities, and a site for utilities, pumping facilities, and storage tanks, all of which the Rockville Pipeline Company supports and/or provides; and because the Rockville Pipeline Company provides an invaluable service to the Town in that it provides, manages, and distributes water to 156 homes in Rockville whose owners are the Company's shareholders; and because the application is complete, Vivian Cropper **MOVED** to proceed with the public hearing. Sharon Hatfield **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

5. PUBLIC HEARING ON THE FOLLOWING PROPOSED AMENDMENTS TO THE ROCKVILLE LAND USE CODE:

- a. Section 7.27, Beautification, regarding removal of unsightly material.
- b. Chapter 9, Non-complying Structures and Non-conforming Uses, to address changes in Utah State Code.
- c. Chapter 10, Off-street Parking Requirements to add Purpose.
- d. Chapter 26, Repealer, Savings Clause; Continuation of Prior Ordinances, to change chapter number.
- e. Chapter 2, Definitions, relative to outdoor lighting and aircraft.

Vivian Cropper **MOVED** to open the public hearing. Rob Snyder **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

Chair Hatfield explained the proposed changes to Section 7.27. She reminded the Commission that the Town Council had asked the Commission to address situations where excessive weeds create a fire danger. Although the Section addressed trash and weeds, it allowed property owners three months to rectify the situation. When the weeds create a fire hazard, three months is too long for resolution of the problem. Accordingly, the proposed amendment would require weeds deemed a fire hazard by the Fire Marshal to be removed within one week following notification to the land owners. Vivian expressed her concern about the practicality of requiring the weeds to be removed within one week. She suggested two weeks might be more reasonable. The Commissioners discussed other practical considerations of the proposed amendment, such as the Town compiling a list of companies that could be employed to quickly complete such work and making that list available at the Town Office.

Ms. Shirley Ballard indicated that if the Town is willing to assist people in clearing their properties, as discussed by the Commissioners, the ordinance is unnecessary. She noted that, although the Town does not have an employee who can clear properties for residents, the residents are generally neighborly and can help each other. Chair Hatfield explained that, although most weed issues are handled by the property owner or others, the Town has received complaints about some properties because of the lack of weed control. Ms. Ballard suggested that, in the event weeds are creating a hazard, a group of neighbors could be recruited to help remove them. Ms. Ballard also opposes the ordinance language prohibiting storage of old, unusable machinery. She questioned who would be determining whether something is unusable. Chair Hatfield noted that the nuisance machinery language has been in the ordinance for a long time. It is not part of the proposed amendment. Ms. Ballard recommended repealing that language. She thinks such ordinances are not enforced uniformly, but are enforced only against residents whose neighbors complain. She also thinks enforcement will be difficult. Rob pointed out that the ordinance is merely a tool, not a solution.

Megan Honer-Orton supports the ordinance in general. She stated that many people are buying second homes in Rockville or are renting their homes out and the Town must have a way to control weeds. However, she believes that some of the ordinance language is overly broad, vague, and subject to many interpretations. She suggested some changes to the proposed language. Ms. Honer-

Orton also agreed that one week is insufficient for weed removal. She thinks two weeks would be more practical.

With respect to Chapter 9, Ms. Ballard stated that some of the language is confusing and contradictory. Chair Hatfield explained the language and clarified the difference between non-conforming uses and non-complying structures. The terms are now required by State law.

Ms. Honer-Orton stated that she, too, is confused by some of the language in Chapter 9. Chair Hatfield explained the language, noting that a non-complying structure must not sit empty for longer than one year to retain its non-complying status.

Ms. Ballard indicated that new owners may have a difficult time establishing that a structure qualifies as a non-complying structure. Chair Hatfield explained that, although the Town will require documentation establishing the existence of the structure to qualify it as non-complying, the ordinance does not specify the type of documentation required. The ordinance does, however, provide several examples of appropriate documentation.

Chair Hatfield outlined the changes made to Chapter 10. Ms. Ballard pointed out that the Town does not regularly enforce parking restrictions. Chair Hatfield noted that the Town had indeed recently contacted a resident regarding on-street parking. Ms. Ballard again expressed her concern that only certain violators are targeted for enforcement. Chair Hatfield stated that any resident may bring a violation to the Town's attention. Once the Town has been notified, it will act to enforce the ordinance, regardless of who the violator is. Again, the ordinance is only a tool.

Chair Hatfield pointed out that the ordinance is designed to restrict overnight parking on residential streets. The State has its own restrictions regarding State highways. Ms. Ballard pointed out that the term "public rights of way" could be applied to either residential streets or State highways. She also suggested adding language limiting enforcement to situations that present a safety hazard.

Chair Hatfield reminded the Commission and the audience that a public hearing is to allow the public to present opinions and input. It is not appropriate to engage in debate.

Chair Hatfield explained that the Town wants the Repealer Chapter, which is currently chapter 26, to be the last chapter in the Land Use Code. Accordingly, to add any new ordinances, the Repealer Chapter must be moved. The proposed ordinance would move it to Chapter 30. Chair Hatfield also noted that the new Chapter 26 will be the Town's Outdoor Lighting ordinance.

Ms. Honer-Orton asked about the reference to indoor lighting in the proposed language. Logan explained that the only indoor lighting regulated is lighting that is so bright it trespasses onto neighboring property or creates a safety hazard. Ms. Honer-Orton also pointed out a typographical error in the proposed language.

Ms. Ballard suggested changing the exclusionary dates to November 1 to January 31. She commended the Town officials for creating the Outdoor Lighting Ordinance, but she thinks that most residents will not comply with it. Chair Hatfield pointed out that the majority of the community supports the ordinance.

With respect to Chapter 2, Definitions, Ms. Honer-Orton expressed her concern about the term "clustering." She thinks it means different things to different people. Alternative terms were discussed.

Chair Hatfield explained the proposed amendment to the aircraft definition. She noted that although helicopters are specifically banned, the Town wanted to include other types of aircraft, such as hot air balloons, as well.

There were no other public comments.

6. **ADJOURN PUBLIC HEARING** – Logan Hebner **MOVED** to adjourn the public hearing regarding proposed amendments to the Rockville Land Use Code. Rob Snyder **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.
7. **PUBLIC HEARING ON THE APPLICATION FROM THE ROCKVILLE PIPELINE COMPANY HEARD UNDER ITEM 4** – Logan Hebner **MOVED** to open the public hearing on the application from the Rockville Pipeline Company. Vivian Cropper **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

Ms. Honer-Orton asked why the zone changes have been requested. Rob explained that property has infrastructure on them that does not have building permits; any future improvements would require building permits. Rezoning the property to Public Use, which is a newly created zone, would allow the Company to make improvements without obtaining permits. Moreover, the use would then conform to the zoning.

Ms. Ballard expressed her support of the rezoning.

There no other public comments.

8. **ADJOURN PUBLIC HEARING** – Logan Hebner **MOVED** to adjourn the public hearing with respect to the zone change requested by the Rockville Pipeline Company. Vivian Cropper **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.
9. **RECOMMENDATION TO THE TOWN COUNCIL FOR AMENDMENTS TO LAND USE CODE CHAPTERS 7, 9, 10, 26, AND 2** – Clerk Harris explained some issues regarding procedure. The Commissioners discussed the various amendments and comments.

Because the Planning Commission has held a public hearing and taken into consideration citizen testimony and has separately researched and considered information to each amendment and has taken into consideration and determined that the proposed amendments support the General Plan, Rob Snyder **MOVED** that the proposed amendments to Chapters 9, 26, and 2 be recommended to the Town Council for its approval to amend the Land Use Code, with the small corrections to the Chapter 2 Definitions changing the word "cluster" to "accumulation" and removing the word "spill." Logan Hebner **SECONDED** the motion.

Rob Snyder **MOVED** to table the amendments to Chapters 7 and 10 for further review before presentation to the Town Council. Chair Hatfield **SECONDED** the motion.

A roll call vote indicated all those present **VOTED** in favor of the motion, except Vivian Cropper, who voted against it.

10. **RECOMMENDATION TO THE TOWN COUNCIL FOR ZONE CHANGES REQUESTED BY THE ROCKVILLE PIPELINE COMPANY** – Vivian Cropper **MOVED** to recommend that the Town Council approve the request to rezone parcels currently designated as Rural Residential One Acre (R-161-A, R-165-B-1, and R-165-B-2) and parcels currently designated as Open Space 20 Acres (R-152-A-5 and R-152-A-12), as indicated in the application, to the Public Use zone; and that the Rockville Zoning Map be amended to reflect such change; and that the \$1,000 application fee be paid in the following manner: \$500 from the Rockville Pipeline Company, with the remaining \$500 fee waived by the Town justified by the fact that the Rockville Pipeline Company provides a valuable and necessary service to the Town. Sharon Hatfield **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion, except Rob Snyder, who abstained.
11. **APPROVAL OF THE MINUTES OF THE MARCH 13, 2012 REGULAR MEETING AND THE MARCH 13, 2012 WORK MEETING** – Logan Hebner **MOVED** to approve the minutes of the March 13, 2012 work meeting, as amended, and the March 13, 2012 regular meeting, as written. Rob Snyder **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.
12. **PLANNING COMMISSION ADMINISTRATIVE BUSINESS** -There was no administrative business.
13. **ADJOURNMENT** – Logan Hebner **MOVED** to adjourn. Rob Snyder **SECONDED** the motion. A roll call vote indicated all those present **VOTED** in favor of the motion.

The Planning Commission Meeting adjourned at 8:55 p.m.

Minutes prepared by:

Teri Forbes, Owner
T Forbes Group

APPROVED:


Vivian Cropper
Planning Commission Chair/Vice-Chair