

**Rockville Planning Commission  
Regular Meeting  
Rockville Town Hall  
March 12, 2024 – 6:00 pm**

1. **CALL TO ORDER – ROLL CALL:** Chair Tyler called the meeting to order at 6:00 pm. Ken Rybkiewicz, Layney DeLange, Linda Brinkley, Jane Brennan and Garth Tyler were present. Tim Arnold was excused. Town Clerk, Vicki Bell, recorded the meeting.
2. **PLEDGE OF ALLEGIANCE:** Chair Tyler invited everyone to join in the Pledge of Allegiance.
3. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM:** No conflicts were disclosed.

**PUBLIC COMMENT:** Lori Sherbeck approached the Commission. She stated she lived on River Road. She asked if Nathan Trotter, who was grading on the South Mesa, had a permit to put the road up there and destroy everything, the road, the trees, the area. Chair Tyler stated this is an item on tonight's agenda and can only be discussed at that time.

4. **CONSIDERATION AND ACTION ON A BUILDING PERMIT APPLICATION FOR A NEW BARN 302 EAST MAIN- SKYLAR & DANIELLE DAVIS:** Chair Tyler asked the Davis's to come and give a synopsis of the plans. There are two locations for the proposed barn, however, a transformer is needed to be installed and may rule out one location. Chair Tyler asked if the road shown on the plans is a current road or proposed road. Skyler stated this is a proposed road and will be developed. Chair Tyler reminded the Davis's that proper setbacks will still be needed. Jane Brennan asked to see the listed setbacks. Skyler showed the setbacks on the plans. Jane Brennan asked if the permit is going to be issued for two sites. She then asked for the location of the current home on the map. Skyler pointed out the location. He stated he is trying to be considerate of the neighbors and the noise. Jane Brennan asked the height. Skyler stated 22'8". Jane Brennan asked if this is a prefab building. Skyler responded, yes it is. Jane asked about the back property line and setbacks. Skyler stated the only property setback that must be reviewed is the east side, as the entire rest of the parcel is their property. Chair Tyler said a site could be approved and if the location changed the Davis's would need to come back in. Chair Tyler reminded the Davis's that no inside water can be included in the barn plans at this time. Chair Tyler made the **MOTION**, Whereas, the application for a building permit for a new barn located at 302 E Main St. Rockville, UT submitted by Skyler and Danielle Davis, is complete; and Whereas, the following has been addressed and accepted by the Planning Commissioners - there will be no water piped into the accessory building, no easements are being violated, and we are approving the original location of the barn. If the Davis's do need to relocate to a second location, that would require approval at a later time; and Whereas, this building project complies with the Land Use Code and does not conflict with the Rockville General Plan and does not conflict with the nature of the community, to approve this application. Jane Brennan **SECONDED** the motion.

**VOTE ON MOTION:**

**Ken Rybkiewicz – AYE  
Layney DeLange – AYE  
Linda Brinkley – AYE  
Jane Brennan - AYE  
Garth Tyler – AYE**

**The MOTION passed unanimously.**

5. **CONSIDERATION AND ACTION ON AN APPLICATION FOR A GRADING PERMIT FOR NATHAN TROTTER-SOUTH MESA-PARCEL-R-1308-B:** Nathan Trotter invited Tydon Oler to help by presenting information regarding the roads in this area. Tydon Oler presented a survey he had done a couple of years ago. He had that entire historical easement that makes up the Eagle Crags Road documented going all the way from Bridge Road back to the mesa properties and the property Nathan Trotter owns. He said the historical easements were able to be located. He said the survey had been recorded for the last several years. He said this isn't by any means meant to

be an entire list about the history of that roadway. However, in 2011, the State Engineers Office, or the Utah and Washington County, reported legal descriptions. It included two separate legal descriptions, one that goes up to the tower and one that goes back to these properties. Tydon Oler said on the state's website those roads are currently listed as active and listed as rural roads, recognized by the county and the state of Utah. He said Rockville received Class C road funds through the county for that roadway. In 2023 portions of that road maintenance was performed on road portions of this road by BLM, without a permit from the town, and with knowledge of the town. They brought numerous truckloads of road fill and also digging and grading on that roadway. Jane Brennan questioned the label of Eagle Crags Road is on the map as it doesn't indicate what portion it is. Tydon Oler said the 1998 Sensitive Land Study conducted for the Town of Rockville includes this roadway all the way up and lists no sensitive areas on this road. Tydon said in 2004 a gentleman that lived in this area passed away but before he died, he used to maintain that roadway in a limited capacity, using Budd Lee and Sons and had maintained that roadway grading it all the way to his residence. Tydon said in the past, Budd Lee and Sons did maintenance on that roadway on behalf of other property owners. Ken Rybkiewicz asked where the said house is. Tydon said it is the Schierhoff house. Tydon stated he later purchased property from the Swenson's who had also done significant maintenance in this area. This land was formerly the Terry property that had a patented deed of 350 acres basically from Section 12 back and it encompasses everything on the Mesa. He said in 2013 the town entered into a service agreement with Washington County to maintain the lower portions of that road. The lower portions of that road which all traverse a 30% grade. The road was pushed out, widened, hundreds of yards of fill were brought in with culverts put in along with drainage. He said fill was pushed over the sides, as well as rocks and debris. He said he had pictures of all that work shortly after it was all done and can provide additional documentation on if the Commission would like. For any of the maintenance of the BLM property there were improvements done in 2014 to that roadway as well, when they created their hiking permit or when they created their hiking trail. The BLM put a new kiosk up for that trail. Ken Rybkiewicz stated BLM did ask permission from Adele Smith, the landowner there, to place dirt on the road in order to protect her water line, and that was the intention of the road work, not to improve access for the public. Ken questioned Tydon Oler's referencing the BLM work on that road. The only work that BLM did other than what they did to protect the Adell Smiths water line was on BLM property. That work was not on any easement or roadway and was done only below their cattle guard on that road. Tydon said there is a 66' road right of way in this area with a private well and other things in that stretch on that right of way according to his surveyor. Ken said he had a different perspective of understanding in that area.

Tydon said in 2021 in order to get funding for the Town Maintenance shed the Town had to do a 5-year asset self-inventory where they talked about possible paving Eagle Crags Road and grading it all the way to the radio towers. Jane Brennan asked what this explanation is for. Tydon said he is giving history of the roadway. He said he feels it's important to understand that Nathan Trotter did maintenance to an existing roadway that is a state approved roadway, even though portions of it are more than 30% grade. And other stretches along the roadway the County, the State, the Town of Rockville and the BLM have done maintenance during the past and so Nathan Trotter was simply continuing to maintain that roadway.

Chair Tyler thanked Tydon for his comments. He then stated it is his understanding that Mr. Trotter has already done some maintenance on that road. The issue is, as far as the history of all the various work that everybody has done, whether or not they got permission to do so. At this point Mr. Trotter did not get permission from all the property owners. As of right now, Mr. Trotter can't touch the road as far as excavation and or any improvements on that road. Chair Tyler said he wanted to make it clear, regardless of what happened in the past, that obviously people are willing to help out, but we need to make sure that it's done appropriately and according to the ordinances and with that said go ahead with his application presentation.

Nathan Trotter explained he had grown up on a private road and had a backhoe and would pull out rocks and everyone pitched in. One of the best things that happened to the neighborhood was

somebody moved in with the grader, and they started grading the area. He said the neighbor would go out and pick up rocks every time. He said he had been driving his car up to this lot and gotten a lot of dents. If anyone had tried to drive up there or take a camper up there, they would see it's impossible. There are trees in the road, there's dips in it and it did not make any feasible sense. He said he is allowed by the Town Code to stay on my lot for two weeks every six months, which is less than what BLM allows. He said he was just trying to get his camper up there.

Jane Brennan asked what type of camper he owns. Nathan Trotter said it is a 20-foot trailer. He said he does excavation work and felt his work could benefit this area. He said his business is mobile, but he would like to eventually build a home here. He said he was aware of the industry, and he did not expect this backlash, otherwise he wouldn't have not done it. He said he was really just trying to get my camper up there. He cited that one of the biggest problems he thought about was just cutting the sides off of the trees so he could get his camper through. He looked at the property lines and realized he would be cutting people's trees on their property. So he took out a few trees in the roadway so he could drive on the road. Jane Brennan asked if he cut any trees? Nathan said no he didn't do a ton but did enough to get my camper up there.

Ken Rybkiewicz said previously there was a roadway existing which was one single lane. Now it's two lanes so cars can pass each other. Ken said when you say you didn't do a lot you actually uprooted trees instead of cutting them you actually picked the trees up with your machine and pushed them off the roadway and created a double lane roadway. Nathan said his reasoning was to push the trees out of the road, as the fire department requires at least 14 feet to get their trucks out there. Jane Brennan asked who owns the property on either side of the road. Tydon Oler said he owns both sides. Ken Rybkiewicz said the road extends from the junction back and without a surveyor on site it would be difficult to tell who owns where. Tydon Oler said Kellan Terry gave him permission to maintain the roadway. He said also there is a 66' roadway easement on this property. Ken questioned both the location of the easement and the property ownership. Ken said the map shows a different location for the roadway rather than what is there now. Tydon said the easement is what was followed not the map, and they had the property staked. Ken asked if Nathan had this information when the work was done. Tydon said all property owners received the information. Linda Brinkley asked what the date of the survey was. Tydon said 2021. He said he had all property corners surveyed and marked. Chair Tyler asked if the markers were still there. Tydon Oler said there are t-posts and are still there.

Chair Tyler reminded Nathan Trotter to be aware that until more information is given there can be no more work done. Jane Brennan asked Logan Hebner, a landowner in this area, if any trees were uprooted on his property. Logan Hebner said the trees were in the right of way. Layney DeLange stated she was onsite and there was a roadway already there why is another one being done. Nathan Trotter explained he did not realize he needed permission before work was done and is now going through the proper channels for the work already done.

Jane Brennan asked what the average width of a camp trailer was. It is 8 foot. Chair Tyler said that this application includes grading on Nathans own lot, which state law requires any 5' cut will require an engineer's design and stamp. Nathan Trotter said he had spoken with Davd Black, a local engineer, and was told if the cuts were only 2' deep and 2' apart from each other no engineers approval was required. Chair Tyler said the cut still is a total of 5' and does require an engineer's approval. Chair Tyler said the law states any overall cut more than 4' requires engineering. Chair Tyler then read Section 9.1.8(d) from Town Land Use Code. Chair Tyler said Mr. Trotter would need that information from the engineer in writing. Nathan Trotter said he would also like permission to stay on his lot longer than 15 days. Chair Tyler said zoning dictates that and the zoning is OS-20. Jane Brennan said that permission would require a zone change and may be denied. Tydon said he would like to point out that a OS-20 zone allows creation of emergency equipment routes to provide emergency services such as fire. Jane Brennan said this does not cover a camper. Although the Town may be getting funds for some of this road the Town is unaware where the funds encompass. Ken Rybkiewicz said the law regarding emergency vehicles access to an area only applies during times of actual fire incidents not on

preplanning without permission. Ken said he had served as a wildland fire fighter, and this only pertains during the actual emergencies.

Chair Tyler said there are a few options to be considered for this application. He said a vote could be held on the motion as submitted or it could be tabled until Nathan Trotter gets the approval from his engineer as far as his lot, or he could withdraw the application. The information about the road will need to be discussed further. Nathan asked how it could be withdrawn when he is in the middle of the process. Chair Tyler said if it were tabled the process could be placed on hold until further information is provided. If there were a vote and it was denied Nathan Trotter would need to begin the entire process over and pay the application fee again. Nathan asked if anyone could offer advice. Jane Brennan said a no vote at this time would require Nathan to restore the entire roadway as before it was graded. If the application was tabled, the application would allow time to review and get the engineer's letter regarding his parcel and then address the issue without paying the application fee again. Nathan asked if an engineer's letter is what is required at this time. Chair Tyler said the engineer's letter is needed for Mr. Trotters own lot, but more information and work is needed on the actual roadway and possibly contacting the Town Attorney to find how to proceed on that portion of this application. Jane Brennan asked if any grading was being done on Nathan's own lot. Chair Tyler said there is a portion when he is leveling his own lot and needs to follow state law. Chair Tyler reminded Nathan Trotter no work could be done until approval is given on anything requested, roadway or lot. Nathan Trotter thanked the Commission for their help and input. He said he has learned a lot through this process. Nathan Trotter and the Planning Commission decided to table this application until further information is obtained and provided.

6. **APPROVAL OF THE MINUTES FOR THE FEBRUARY 13, 2024, REGULAR MEETING:** Jane Brennan made the **MOTION** to approve the minutes from the February 13, 2024 Regular Meeting. Linda Brinkley **SECONDED** the motion.

**VOTE ON MOTION:**

**Ken Rybkiewicz – AYE**  
**Layne DeLange – AYE**  
**Linda Brinkley – AYE**  
**Jane Brennan - AYE**  
**Garth Tyler – AYE**

**The MOTION passed unanimously.**

7. **APPROVAL OF THE MINUTES FOR THE FEBRUARY 13, 2024, WORK MEETING:** Jane Brennan made the **MOTION** to approve the minutes for the February 13, 2024 Work Meeting. Layney DeLange **SECONDED** the motion.

**VOTE ON MOTION:**

**Ken Rybkiewicz – AYE**  
**Layne DeLange – AYE**  
**Linda Brinkley – AYE**  
**Jane Brennan - AYE**  
**Garth Tyler – AYE**

**The MOTION passed unanimously.**

Clerk Bell asked that the Commission remember to provide input regarding the minutes before the meeting, even if the comment only says they look good. Attention needs to be paid to the minutes to ensure they are correct as they are the official record of meetings and decisions.

**INFORMATION/DISCUSSION/NON-ACTION ITEMS**

8. **PLANNING COMMISSION ADMINISTRATIVE BUSINESS**

- a. Next Planning Commission meeting will be April 9, 2024. Chair Tyler asked the Commission to note the next meeting date.

**ADJOURNED:** Ken Rybkiewicz made the **MOTION** to adjourn the meeting at 6:50 pm. Jane Brennan **SECONDED** the motion.

**VOTE ON MOTION:**

Ken Rybkiewicz – AYE  
Layne DeLange – AYE  
Linda Brinkley – AYE  
Jane Brennan - AYE  
Garth Tyler – AYE

The **MOTION** passed unanimously.

Shelley D. Cox,  
Town Clerk

APPROVED

  
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Planning Commission Chair/Vice Chair

The foregoing notice was posted in the cabinet of the Rockville Town Office by Shelley Cox at approximately 10:00 (AM/PM) on 4-11-24, on the Rockville website and the Utah Public Notice website.

Shelley Cox  
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