

**Rockville Planning Commission
Regular Meeting
Rockville Town Hall
April 9, 2024 – 6:00 pm**

1. **CALL TO ORDER – ROLL CALL.** Chairman Tyler called the meeting to order at 6:00 pm. He stated he will be attending this meeting via zoom, so he has asked Vice Chairman Arnold to conduct the meeting. Those in attendance: Ken Rybkiewicz, Linda Brinkley, Jane Brennan, Tim Arnold, and alternative Commission member Andy Efstratis. Garth Tyler was present via Zoom. Layney DeLange was excused. Town Clerk, Vicki Bell, recorded the meeting.
2. **PLEDGE OF ALLEGIANCE:** Vice Chair Arnold invited everyone to join in the Pledge of Allegiance.
3. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM:** No conflicts were disclosed. Jane Brennan expressed concern about the employment of Vice Chair Arnold. She said law states a conflict is a financial gain, or perhaps not, depending on how you might vote. Vice Chair Tim Arnold is currently employed by the applicant of Agenda Item No. 4,- Consideration and action on a building permit application for a new home located on the South Mesa Parcel R-13 Jacob Anderson. Vice Chair Arnold said he is employed by Jacob Anderson. He is one of my employers. So we'll make that public. So you all understand. For all rules, I can still vote as long as it's made public. Jane Brennan asked which rules. Vice Chair Arnold stated as per the state rules. Jane Brennan asked if we could get a clarification on that. Vice Chair Arnold said traditionally as long as the conflict is declared a person can still vote.

PUBLIC COMMENT: There were no comments made.

4. **CONSIDERATION AND ACTION ON A BUILDING PERMIT APPLICATION FOR A NEW HOME LOCATED ON THE SOUTH MESA, PARCEL NO. R-1308-D FOR ZION HOLDINGS LLC:** Chair Tyler **MOVED** to move this agenda item to item No. 6 on the agenda due to the length of time this issue could take. Jane Brennan **SECONDED** the motion.

VOTE ON MOTION:

Ken Rybkiewicz – Aye
Garth Tyler – Aye
Linda Brinkley – Aye
Jane Brennan – Aye
Tim Arnold - Aye

The **MOTION** passed unanimously.

5. **CONSIDERATION AND ACTION ON AN APPLICATION FOR A GRADING PERMIT FOR JOHN & NANCY LOWE OF PREMIER WESTERN PROPERTIES, LLC-128 W. GRAFTON ROAD:** Bruce Waldron, contractor, was present, along with Nick Lowe, the owner's son, on zoom. The Planning Commission discussion revolved around the project involving grading permits and floodplain considerations. The project involves grading for a house pad to be raised above the floodplain level, as well as fill for a driveway and filling the irrigation ditch. The goal is to bring the pad up to an elevation of 3726 feet, which is 4 feet above the floodplain level of 3722 feet. Questions were asked regarding the amount of dirt to be brought in, the need for retaining walls, and the location and purpose of certain features like swales and irrigation pipes. The Planning Commission discussed issues of clarification regarding the floodplain elevation and the engineering reports provided to address floodplain concerns. Commissioners expressed satisfaction with the engineering reports provided. The question was asked how high the actual house would sit and Nick Lowe said an average of one foot (1') above the current elevation.

Questions were asked about potential impacts on existing features like easements and the need for additional infrastructure like fire hydrants. The Commission asked about a benchmark. Mr. Waldron said the benchmark has been marked. All issues of the floodplain were addressed with the State Floodplain Office and have been approved as presented. Bruce Waldron said the fire easement was being handled with a fire hydrant near the front of the property. Vice Chair Arnold **MOVED, Whereas**, the application for a grading/excavation permit located at Parcel R-GVHM-1

or 200-264 Grafton Rd, Rockville Utah submitted by Matthew Lowe is complete; and, **Whereas**, the following has been addressed by the Planning Commissioners, drainage will not be diverted to Grafton Road, no easements are being violated, the Commission is asking for written confirmation from the Hall/Grafton Ditch Company regarding filling of the ditch, and **Whereas**, this Grading/Excavation project complies with Land Use Code, specifically Chapter 5 and does not conflict with the Rockville General Plan, and does not conflict with the nature of the community. Linda Brinkley **SECONDED** the motion.

VOTE ON MOTION:

Ken Rybkiewicz – Aye
Garth Tyler – Aye
Linda Brinkley – Aye
Jane Brennan – Aye
Tim Arnold -- Aye

The MOTION passed unanimously.

6. **CONSIDERATION AND ACTION ON A BUILDING PERMIT APPLICATION FOR A NEW RESIDENCE, A DETACHED GARAGE AND POOL HOUSE ACCESSORY BUILDING FOR JOHN & NANCY LOWE -128 W. GRAFTON ROAD:** Chair Tyler asked if he could interject something here. Before we move forward, I want to let these guys know this notice right here is what we got. The Planning Commission members were not provided hard copies and the application file was not completed. He said he had asked earlier when this package was received that you guys follow the building permit checklist, and make sure everything's on it and you did and you signed it, but you did not complete your list. He then read "a complete building permit application, along with application fee must be received in the Office of the town clerk 21 days prior to the scheduled planning meeting where the application is to be considered". Right below it says "please note it is the responsibility of the applicant to present a complete application. Incomplete applications will not be addressed by the Planning Commission". The issue started to rear its head with the grading permit application. The application is not in the least complete. You checked off the list but did not provide the information and we have still been receiving it even up until a couple days prior to this meeting today. We will not consider this application because of its incompleteness. So you have a choice on this right now. What do you want to do with it. He asked if the applicant wanted to withdraw. Or do you want us to deny it. Or do you want to table it until you get a completed application submitted. Nick Lowe asked what items were missing. Chair Tyler said they needed to look at the application list and go through it and find that out. That is your responsibility. Chair Tyler said when I tried to look at this, first and foremost, nothing was in order and the proper things that were asked were not there. So it is your responsibility to come and collect the information back and start over again. Nick Lowe asked the application to be tabled. Chair Tyler said the application needs to be submitted completely. The Planning Commission is a volunteer basis, and our time is wasted when the required items on the application are not complete and have things in order, so lack of preparation on your part does not constitute an emergency on mine. Is that clear? Nick Lowe said he understood. Vice Chair Arnold **MOVED** to table the building permit for the Lowe's at 200 to 264 Grafton Road until we receive a complete package and must be submitted 21 days before the next meeting. Ken Rybkiewicz **SECONDED** the motion.

VOTE ON MOTION:

Ken Rybkiewicz – Aye
Linda Brinkley – Aye
Jane Brennan – Aye
Garth Tyler – Aye
Tim Arnold -- Aye

The MOTION passed unanimously.

4. **CONSIDERATION AND ACTION ON A BUILDING PERMIT APPLICATION FOR A NEW HOME LOCATED ON THE SOUTH MESA, PARCEL NO. R-1308-D FOR ZION HOLDINGS LLC:** Jacob

Anderson approached the Commission. He said he wanted to clarify something really quickly, so it may be a matter of semantics, but Zion Academy is a nonprofit which employs Tim Arnold, and he is not even a member of the board or member listed as an owner or whatever it's called for a nonprofit. His children do attend there. Jane Brennan asked if Jacob Anderson hired Tim. Jacob said the board did, which he is not a member of the board. Chair Tyler asked Jacob Anderson to give an overview of what was going on for this proposal. Jacob Anderson said he did have some larger maps if needed to refer to. But you have all the same information in your packet. This is for a lot over on the South Mesa, what a lot of people call the South Mesa. This permit is for one of the larger lots towards the very beginning of the where the smaller lots begin. It has a well on it with a solar pump. And I guess a little history on this. I don't know. I guess I'll entertain questions. I think I've got everything here. I'm pretty sure complete and happy to answer any questions anyone might have. Chair Tyler said referring to the application, everything seemed to be in order. There is a concern of the legality of the property, and we need to get through that first as far as the legality. He asked if there was any documentation to prove that this does comply and is a legal non-conforming parcel. Jacob Anderson said there has been some debate in the past where the town has declared these lots and other lots up there as an illegal subdivision. But these lots were actually divided prior to any subdivision ordinance by Washington County. In other words, what that means is when these lots were divided, there was no requirement for a subdivision, nor was there any method to go about it. There is no requirement nor method for a subdivision plat. The way lots were created back then, and this would include most all the lots that many people in the town council live along Grafton Road that are created by meets and bounds. Right, none of those were created by a subdivision. They were simply created by meets and bounds, and so these were created prior to any subdivision ordinance, even existing which makes them as legal as pretty much any other lot in town. From what I understand and according to the six months ago, there was a moratorium meeting by the Town Council, and it was at that meeting that the Mayor declared that it's understood now, though it wasn't understood before these lots did pre-exist any subdivision ordinance, and they are indeed legal. Which agrees with what the county and everybody else seems to understand at this point is again, they're divided before any requirement for that existed.

Jane Brennan then said Commissioners, I've been on this board long enough. Linda's been here long enough, to know that this statement has fluctuated back and forth, whether this is an unapproved subdivision, whether it's an illegal subdivision, whether it's not a recognized subdivision. And frankly, I'm tired of being in the middle and I think that there's going to be people on both sides that say both ways. And I don't think that we have the expertise to make that call. If we made that call tonight and made this area an authorized subdivision. We could screw things up pretty good either way. Whatever call we make, I don't think that we as volunteers here have the expertise to do this. In that maybe we should talk to Roger Carter.

Vice Chair Arnold invited Roger Carter to approach the Commission. Roger Carter introduced himself as the local administrative advisor with Five County and the purpose of my position is to help Towns that qualify for a local administrative advisor, which is someone who has local government experience or towns that don't have administrative services on their own because of their size it's a continuing issue of size, as well as an issue of just their ability to not have town manager or administrator, so people can call on me to ask for advice. Lots of advice, little advice, no advice, any of those things. So I was asked about this particular issue and again I think I'm fairly up to speed, but not to the depth of course that all of you are. Primarily the discussion revolved around the complication of the uncertainty of the subdivision. I recognize all the facts that kind of lay before us and my recommendation. It also sounds like we were struggling to kind of as a Community, figure out where do we start with this thing, both on behalf of the applicant, get the applicant knowing where they're supposed to start, and on the part of the city (Town). So for me, I just roll back to the original point that cities would start these particular issues anyway, and that is the subdivision standpoint. Subdivision processes are put in place in large part to address many of the things that you're talking about right now. And those would be things like access, things like zones. Those would be things like suitability of services. All of those things. And those typically would begin in a subdivision process. Now, of course, the complication here is

they said, well, we kind of went through this subdivision in 1957 or 58 or something like that, even before the town existed, which is not unusual, it happens sometimes a lot, often in the State of Utah. And then towns come in as towns annex towns begin to bring these items in.

Roger Carter said now the challenge is of course and anybody can correct me if I'm wrong. The record at the county level, although there is a platting of the property lines, there isn't enough additional record showing additional details, including what would typically happen in a subdivision ordinance, which is the dedication of roadways, dedication of open space, those type of things, that's usually where those begin to have those discussion. And I may be wrong on that, but that was my understanding. So we do have and I acknowledge that we do have these recorded lot lines before the town. Vice Chair Arnold said yes before Rockville became a town. Roger Carter said which is again not unusual either because counties will always record parcel lines. But recording parcel lines does not constitute subdivisions. So I can own 30 acres and say I'm getting old and before I die I want to give my children all these pieces. So I can meet and bounds a piece of property. That can be done by a certified surveyor. Then I take it into the county have the county record it. They will record it, but again the county is not the one who authorizes subdivisions. Now at the time again, the argument is if I got it right, that at this time the county was the ruling body the governing body for these parcels, which is fine. Had that all been developed during that time when they were the governing body, then they could have said whatever they're going to say. The downside is since 1957 and 1958 and nothing has else has occurred. It has been annexed into the city (town), which leaves the governing body of the city (town) as the one that has the enforcement and police powers with respect to that. So I don't think there's a dispute on the property lines. The dispute there is and I'm hoping that there just be some understanding, but it's how the city needs to proceed with their own requirements now to address those items. So for instance, and if you don't look at the subdivision and address it in your own items, there's still a myriad of ways of which the city(town) can say we're not going to approve this. For instance, what zone would you place over this. Is there a zone that's compatible with the city (town). If there is none, the city is not compelled to create a zone for it. There is no case law and there is no requirement that just because a property has been parceled a certain way the city is compelled to create a zone that matches. The city can simply just say we're not going to give it or there's no zone that this is compatible with, so we will not zone it any more than even what it is.

Roger Carter said then second, there's no compulsion on the part of the city to provide any type of services to those things, and quite frankly, again, if the city, if the county had a different well, let me back off that's not important at the moment. So the city this way, the subdivision times, the city would sit down and say, ok, we've got a myriad of things we've got to cover here in order for this to even be compliant with city requirements. We got to talk road width. We've got to talk about all those things that cities put in place with their own policing power and with their own land use authority, and those will need to be put into place. Ok, now the city can create zones, what we would call a planned unit development zone which allows for a variety of zones, but all that is when you have that discussion, so that up front you have that all in place because otherwise I think it's not fair to either party. You could just simply say, ok, we'll acknowledge the subdivision. We'll just turn you down at the zoning period, which, by the way, is clearly legislated. So there is no requirement that the city create a zone. It's not a substantial evidence requirement. Or the city could just say we're not going to provide these services up there or any of that. So that's why my recommendation when I got involved is why don't we just start from the subdivision standpoint. And the subdivision standpoint then gets all parties on the same page to say how do we make this into a subdivision that functions? It functions under our codes or what codes we may create? And two so that the developer has a clear understanding of what's going on and what they can expect in the future. So they're not having the rug pulled out from under them down the road. So my reason for this recommendation is to get everybody kind of at a start to moving forward in those issues.

Roger Carter went on to say now the question has come up with regards to and the word has been tossed around what constitutes a pre-existing non-conforming? The State law is pretty easy

language to understand. And the pre-existing non-conforming has to do with pre-existing non-conforming is not a prohibition on legislative actions. It's a prohibition on administrative actions. OK, so let me be clear about that legislative actions are all those actions that councils and commissions get to take it to say, oh, we feel like it ought to be this way. Zoning is a legislative action. General plans are a legislative act. As you move further along on the spectrum, you start getting into administrative actions such as preliminary plat that's actually when vesting occurs. So there's not this alternative vesting that occurs during legislative actions. So if you look at the state code there is no prohibition on councils taking legislative action. And zoning is one of those legislative actions. Pre-existing non-conforming, if you look at the language and the requirements of pre-existing non-conforming it deals with two things. It deals with structure and use.

So if there's an existing use on a property, or if there's an existing structure on the property, it does not prohibit the city from still changing the zone. So you could have a commercial zoned area with a commercial business on it, and the city could say we're going to change all this commercial area into a residential zone. That's allowed. What's not allowed is then the city to force whatever's currently there is a use and is a structure from changing until certain things happen. And the code statute lays out those things. If you change your use, you can't expand your use. It even goes so far as to say if your use burns up, you can replace it and not lose your pre-existing non-conforming, but you can't expand it. So it all has to do with use of structure. Jane Brennan asked structure and use but not parcels. Roger Carter answered correct and let me be clear about something else. A non-use is not a use. I want to be clear on that because you think about how that could undermine the whole zoning process. I've already explained to you that I can go and parcel my lands any way I want to and get them recorded. I could sit on that. Then I could come into the city and say, well, they're parceled that way so you have to grant me a non-conforming use no matter what and still bypass the whole subdivision process. Also, again, if you read the pre-existing non-conforming use, all the requirements of losing a preexisting non-conforming use has to do with a failure to maintain a use or a building. So a non-use you would just essentially never use. Plus the third issue I'd say is it would continually just trump a council or commission's decision to change zones. So if there's no use on the land and the Commission says they are going to change zones from X to Y and it was a no use is a use. They can just simply say you can never do it. Because a no use is a use, it is not and the code is very clear with respect to it is a use and a structure, but a non-use is not. Now it's my understanding that the OS 20 zone does have permitted uses on it. And if those permitted uses were being exercised then I would say they absolutely qualify in their pre-existing non-conforming. If those uses do not exist on it, then there is no pre-existing non-conforming because that would cut at the very heart of the of the communities ability to make legislative decisions, one of which would be zoning issues.

Vice Chair Arnold then asked the question because I want to make sure I understand. You're saying it's based on how the land is used or structures on it. Roger Carter said although non-conforming pre-existing deals with those issues and what they do is protect the owner from an existing use that's going on. A good example, I think, Craig Call even used this example and his stuff was, you know, if you're grazing on it, ok, that's a use. Grazing is a use, but just an idle piece of land does not have a use, a no use is not a use. Vice Chair Arnold said but we're not talking about use. We're just talking about building the structure on land. Roger Carter said he was talking about subdivisions not on the building permit. Vice Chair Arnold said he needs to understand from what Roger is saying, it looks like we might have to change our code because according to our code. It says in Chapter 6 section 2 dealing about subdivisions it talks about use structure or lot that lawfully exists. And if they can prove that it lawfully existed before, then that could become a non-conforming use at least in our municipal code. Roger Carter asked if it currently says that in Town Code it can go to a non-conforming. Vice Chair Arnold said yes if they can prove it existed before the town made the zone. Roger Carter said what I want to make sure if you have code that is defined pre-existing non-conforming to be what more than the State has, what you're allowed to do, you are allowed to do that. Then you will have to take that into consideration? Absolutely. OK. Vice Chair Arnold said he wanted to make sure because you were referring to something different and he then read town code and thought maybe there was an adjustment needed. Roger Carter said nobody provided him that code to look at, so I can't even

speaking to that. But yes, if you've defined whatever you locally have defined differently you'll need to be sensitive to, recognizing that. OK, absolutely but I just want to clarify just the fact that please what I was brought in for one thing was just a clarification of what traditionally is pre-existing non-conforming and I want to be clear on that. It's a State law where you cannot even eliminate those two things. OK, you can add to it if that's what's happened here. But you cannot eliminate what the State has stated is a use. So the State has set this minimum. You can add to it, but you cannot reduce the minimum of the State, and that is use. So typically what you'll find in most towns that maybe don't have that additional section of the land uses themselves though lines, those type of things, they're a no use, which means they don't have a use, they're not protected in the pre-existing non-conforming.

Roger Carter said his goal again with this whole process was to say, "where can we start from the beginning?" Because even if you recognize these parcel lines for instance. I'm just looking down the road. I don't know what you're going to zone it. So you move forward and then just turn it down at the zoning process. It's already zoned OS 20. But can these lots comply with the OS 20. I think there's minimum lot size that wouldn't fit within the OS20, right? So they would not be able to be to receive that zone. Jane Brennan said but they are already zoned OS 20. Roger Carter said but they would not be alright. What I'm proposing is to work to resolve all the issues. Then you're going to have to adjust your codes to make sure that your codes fit. Even with the current codes and adjusting for smaller minimum lot sizes in a OS 20 this violates that. You need to reconcile this matter. What is your smallest lot up there? Just give me an example. Commissioners said it appears it's about one third acre. Roger Carter asked so do you allow less than 20 acres? Vice Chair Arnold said it's considered non-conforming, meaning it existed beforehand. Jane Brennan said according to our ordinances which would not now allow a smaller than the zoned lot if we were like subdividing the property. Roger Carter said let me ask you this. Has the city created all these actions that put the applicant in a position to be petitioning for this, so this is the question I've got to the city. Have your codes put them in a position to them being able to apply for this. Because the information he was given is that this does not comply with the city codes, so my question as to the city back is do you have within your codes, language that permits this application to move forward, putting the lot sizes. Vice Chair Arnold said he would read right from the plan now, and we can make sure it does say: this says determination of lawful non-complying or non-conforming status: The property owner bears the burden of establishing that any non-conforming use or non-complying structure or lot lawfully exists to establish lawful existence. The town will require documentation that clearly establishes the non-compliance structural or lot and or the non-conforming use in question legally existed prior to the adoption of the language in the land use code with which it now conflicts, including any required approval permitting or renewal process.

Roger Carter said then he would suspect, I'm learning a lot as I'm standing up here that I didn't know, that at some point in the city's history, the city took this language and said we're going to declare all non-conforming. Thereby their lot sizes are acceptable to us, the city took that action. Clerk Bell said there is another section in the land use code for substandard parcels and there is a formula in there that they can use to bring a smaller parcel... Vice Chair Arnold finished this by saying into conformity basically setbacks requirements within that zone. Roger Carter said so if the city has taken these actions of which I'm unaware, up to this point, because again, I was brought in to talk about non-conforming and where this might get off legally, State law, right. His goal here was the whole discussion was simply to say, how can we move this forward in one way or another? And to me, it was to start from this point, but it appears that several incidences have occurred which I'm not aware of and I'm just learning now, one that the town code does grant this additional qualification for pre-existing non-conforming and the city at some point the city, not the county, and see this is my point if the city has taken action in its time since. Whenever the city came into existence, OK, that has acknowledged these lots. Then the city has to address that through their code and they would have to, but this is the first time I'm being made aware that the city actually has consciously taken these actions in times past.

Jane Brennan asked "You said in one meeting, recording a meets and bounds does not constitute a subdivision. Is that important to us now or not? Roger Carter said that's true, it does not. However the question that's now before us though, so let me let me back up and say why that's important. Why that's important is because we are still determining what is the role of the subdivision process. OK, because meets and bounds does not just simply check the box for subdivision. That becomes a real problem around the State because we have it happen all the time like I gave you the example people parcel their lands. They'll go record it. Then children will sell to somebody else. That person comes in to pull a building permit and the city says we have no recognized subdivision. And so that happens all the time in the State, because again, the counties are obligated to publicly record parcel lines. But what gets confusing is they don't initiate subdivisions. Even if it all happened in 1957 and this was the point I was making earlier, barring any of this other language, you still fast forward to a time they're coming into a new jurisdiction. You're still going to be subjected to the new jurisdiction's ordinances, whatever those ordinances say. And if those ordinances give exception, which is what I'm hearing here and if the political bodies at some point has acknowledged that. Then again that's all I care about is that the city has had some action.

They're not compelled, so let's take that language out. If the county had approved this in 1957, I don't care if they had approved it with a subdivision. Usually those have shot clocks on them. Barring all this, even if in 1957 they had been approved and nothing had happened on that or in any of this language, and this, the town eventually became a town, and then at some point when the town was a town they said we would like to develop this area, we've got these parcel lines, the town is not required to recognize those and create zones that match and create roadways that don't exist. They are not required because those are all legislative actions. And that's when then I was told with the language of non-conforming other pre-existing non-conforming and I didn't know anything about this language. I just said no. The State Statute pre-existing non-conforming is only these two things and they don't constitute a non-use this says partial and I would agree with what you read. You've now established for yourself a greater standard.

Jane Brennan asked if that code is legal for us to allow lots to lawfully exist, pre-existing lots? Is that legal? Roger Carter said you've given yourself that requirement. So like I said, the State will say you can't do less than this. So you can't say, well, we don't like the fact that we'd have permanent structures to continue, so we're going to say you can keep your use, but your structure has to go now that we've changed the zone. The State would say that's not all allowed. The State says you have two requirements that have to be maintained. If you choose to change their land entitlement and that is their use and that is their structure then the State says. But here's all the requirements they have to comply with to maintain that use got it. Because the bill is that if you changed use or if you change designation you don't want to keep those uses there. And that includes cities even coming in and buying out the use value on property. Which is even allowed under the statute, but as long as they maintain what they're doing without expanding, without changing it, they can't be grazing cows today and then producing, you know, leather goods tomorrow. That would eliminate all their protection under the pre-existing non-conforming. So the State said you can't go below that. But if you wanted to as a city(town) and say we're going to set a more permissible rule. A pre-existing non-conforming and we'll recognize previous lots as a pre-existing non-conforming I would say based upon what Mr. Arnold read to me that is a requirement that you have as a city (town), So I apologize that I didn't know about that. I was asked about the State statute so... Vice Chair Arnold said he was only made aware of this last night. Roger Carter this information then spun us forward. And again, it was all due to the question about subdivision, and my goal again was to say, well, we've had a struggle getting off ground. There are still issues you as a city (Town) need to resolve, what is the access issues. You need to get probably some public dedications then. Those things need to be dealt with the property owners at a very front end. And I'm still saying you're at the front end.

Roger Carter said and then the issue of the permit came up just to kind of at the end of our meeting a couple weeks ago and I didn't really wade into the permit. All I did was pull David Church and the Utah League of Cities and Towns Book that just says simply, if you do not have a

legal subdivision and now with all the information you have, you'll have to make that judgment. If it's legal or not, but if it's an illegal subdivision and that's the conclusion that you came to, you do not issue permits on what you recognize as an illegal subdivision. I just read that out of the book I didn't dive into the permit on its own. But if this town has either taken action, let me rephrase it, if the town has either taken action in the past or created some town ordinance that makes this acceptable or conforming to the town ordinance. You'll have to be cognizant of the town ordinance.

Jane Brennan said when the zones were first put in place, this subdivision already existed. This group of lots already existed and the town instead of saying this is your third of an acre zone, the town decided to say this is a 20-acre zone. And in that they've got to comply with the 20-acre zone requirements. However is that in any way early on saying we are not accepting these divided lots. Otherwise, why wouldn't the town put them in 1/3 of an acre zone. Roger Carter said you as a Town and I'm going to go back to what Tim Arnold read to me. You will recognize a pre-existing non-conforming lot size, but you do not have to keep that. You can change zones anytime you want. You could actually stop them from still developing some of those lots by a zone change. Jane Brennan clarified what I'm saying is most are not, none of them, maybe some are 20-acres but most of them are subsize lots.

Roger Carter said that's where you're going to have to go back to what you've acknowledged in the time past as a city (town) saying if we've recognized these as non-conforming. It sounds like if you did that, it would be in conjunction with your code and then we will recognize these lots. With the lot lines they have, you could say that, but what it does not still eliminate from you is at any time in the future, today, tomorrow, 50 years from now, something the legislation doesn't change, that you can change the zone up there anytime you want to. And if they have any uses, and again their lot lines aren't changes, so they're still pre-existing non-conforming lot lines, but they still may not be able to do anything with it, but they haven't lost the use of anything if nothing's on it anyway. That's my point. You have never lost your usage, so you still, and this is what I wanted to avoid. What I didn't want to have happen is I didn't want us to kind of even play kind of shenanigans with the whole thing and get down the road and say, well, we're recognizing all this but we're not going to give you a zone that fits up there for these other lots, so basically they can't be built on because there's no permitted uses.

Jane Brennan said the Town has wavered back and forth half a dozen times in the nine years that I've been here, and this is kind of crappy right. Linda Brinkley asked did you say just a minute ago that even if we did recognize it, that upfront before we could allow it to be developed on that, we would have to make it legal with the utilities are the accessibility, with roads or whatever. Roger Carter said what I'm saying is that cities in the subdivision time period, that period, that basically they kind of avoided. It would be normal for a subdivision time period is when the City (town) sits down with the developer, the landowner, and starts to address issues like utilities, accessibility, roadway sizes, roadway dedications. There could be park dedications, there could be all of that. Of course, zones would be one of those things you talked about at that time. Then that's fair to both parties, as then the developer also comes in and knows exactly how he's planned because again, they could have great plans and the City (Town) Council could say, OK, we're not going to make you change your lot sizes you can keep those but we can always change the zone so that many of those can't have at least whatever uses on them because that's a legislative act and if they had a use on that land, when you did that, that's when the pre-existing non-conforming kicks in that they could continue that usage until certain times. But if there is no use so you can still recognize lot line and saying we're not recognizing we'll recognize the subdivision but we still don't have a zone that fits. Vice Chair Arnold said if it's zoned agricultural, they want to put something business wise up there that would not work because of zoning. Jane Brennan said she was concerned because there's not legal access to many lots. Roger Carter said that's right. This happens all the time, we'll have families that subdivide lots and they have no ingress or egress. This is because they subdivided. This is why there's a separate subdivision process, and we only call it that based on subdividing a parcel, because that's the right term. Right take something and divide it. It's subdivided, but it really is just meets and bounds. The county has an

obligation to record meets and bounds and ownership. People will do that and again, without recognizing that does not in and of itself constitute a subdivision. And it's because the subdivision is a very clear land use process in which again the whole goal of the land use process is that the city (Town) and the applicant can all get to the same end with a product that everybody feels comfortable. So that's why at the subdivision point, you cover all of that. It's very common that people come in and say, oh, my dad willed me this piece of parcel and I want to develop that and we'll say there's no access and the city has no obligation to create that access.

Jane Brennan asked how we get that access created for not this applicant, but the guy's property in the middle. Roger Carter said that's why I say my recommendation is still even with this language here, I would still technically sit down with the applicant and say, let's begin as if we're beginning a subdivision process because there are questions and answers that need to be addressed. And if we can't get them addressed, it'll just be a denial later on something. Jane Brennan said there's probably 40 landowners, at least and would these land-owners need to come in as a group. Roger Carter said the goal of developers is to bring everyone in and masterplan the area. This is why sometimes these things also get done in phases. But the reality is that of the length of time that this has occurred for 70 some odd years. And again this is not unusual you're not the only town that deals with this. So the applicant will only need to bring in what the applicant can to meet the codes. Vice Chair Arnold said we are only concerned with one applicant at this time. Jane Brennan said this issue concerns every parcel up there. We have a bigger decision than just Jacob Anderson's application.

Vice Chair Arnold said and yet the application is just for that parcel. We can't concern ourselves with all the others to work out this for all 40 owners. Roger Carter said all parcels have to comply with your requirements. And let's acknowledge their lot lines. OK. But again, you can say I'm not changing that zone, it's OS 20, which means that anybody who's under 20 acres, they're not permitted any use so they can't develop. Until such time as that has changed by all of you. Now again, the developer could come in and maybe say I want to apply to you a development, which has a mixture of lot sizes, but the zone would have to be created first and then changed.

Jane Brennan said we do have in our code some math involved for calculating. Calculating say frontage road, frontage stuff. But what I'm what I'm seeing is these roads are not acknowledged or approved. Clerk Bell said we don't even know who owns the land where the roads are shown, but the Town does not. And we know they're not dedicated to the Town. Chair Tyler said he looked up the roads. They are State or County roads and they are acknowledged. There's what's called a prescriptive road and by Utah code a prescriptive road means that it's been used for public use for at least 10 years. But it's not identifiable. Roger Carter stated prescriptive roads don't constitute public roads. Prescriptive roads address things like who is going to maintain them. Prescriptive roads are just a recognized right away. OK, but just because it's a recognized right away does not compel them to become public. They become public when the city decides that the roads meet their standards. You can keep it but we're not going to allow or the Town is not going to take over the road maintenance. Jane Brennan said this was seen when dealing with Tydon's driveway, haven't we? Roger Carter said there's prescriptive trails throughout the State that people could say, well, this is a road, but we don't have cities rolling in and saying. Well, I guess we have to maintain that if you want to use that right away. It is just understood that we'll let you use that right away. But you still need to dedicate it to the city and still need to bring it up to city standards if it's going to be public, because again, you guys are the ultimate group that enforces the health, safety and general welfare of the public.

Vice Chair Arnold asked to clarify an issue, I just want to go back before we get way down the road first of all, from what I understand: Is the lots existed; we have in our code rules that deal with those non-conforming lots, so they're legal and non-conforming. Roger Carter said yes but most of them could not be built upon because of the size. Vice Chair Arnold stated that it even states that in our permit. It says not every property can be built on right in our permits. Roger Carter said so it's less than 20 acres. Vice Chair Arnold said in this case that issue is completely gone so now we need to understand the issue of access. We have access to it. Roger Carter said so now you go back to the city code and say, what does the city code require. So whatever the

use is, let's say residential. Vice Chair Arnold said on this one it says 100 foot of frontage. Roger Carter said whatever the city code is they would be required to follow for the 500 feet. Vice Chair Arnold said the code says 500 feet of frontage, but that is for a 20-acre parcel and this is non-conforming, so then it falls under the... Jane Brennan said then we have to do math to calculate. Chair Tyler said then it has to be calculated and is considered substandard. Vice Chair Arnold said it is 42%. Roger Carter said yes, and you have that, which I wasn't aware of. Vice Chair Arnold said all right, so then we got that part done. Roger Carter said remember that whatever the code says is the standard. You can hold the applicant because it's a new use to that standard because again, you have a requirement to from a health, safety and general welfare purpose. Vice Chair Arnold said they have to follow our plan from that point. Roger Carter then said but if they meet those requirements and it's already been an entitled piece of land, and they have the opportunity to meet that and to occupy. That's the fairness part. So had we not had the lot issue addressed in your local code, you could have just said you've got to rearrange those lots there, there's no pre-existing non-conforming. But in your code you've said, we recognized that. Jane Brennan said that might have been done in 1987. Roger Carter said again, nothing else has changed from this point forward. You still have the zone there. They have to comply with every permitted use associated with that zone. They don't get any entitlement to do something with the zone that in itself doesn't allow. OK, they don't get that. There's no protection to the property owners to be able to do that. You're just protecting their lot lines. And there is nothing that says, well, we have to accept only this side is of the street outside of whatever your substandard language dictates for you to do. Linda Brinkley stated so we recognize that, but they can't necessarily build on it. Roger Carter said no. Vice Chair Arnold said not unless it falls within our rules from our plan. Roger Carter said again you could say anything right now under 20-acres would have to go through a rezone. Vice Chair Arnold said it would not need a rezone as we realize that we have lots that are under sized. We have a non-compliant, substandard lot equation.

Roger Carter said typically what you would do is they'd have to go through a rezone for a smaller zone. If they have lots that were outside the zone that was designated, you would have to rezone those. That way because otherwise if it's a zone that doesn't exist and again, I'm not familiar with your substandard language so I can't talk to that, but under normal circumstance you could say if there's no zone that that accommodates these, then we can't grant a permitted use because there's no zone for that to accommodate. So you either have to rezone it. Or you'd have to change the lot size to meet something you have. We see in a lot of these old communities these big lots that get split and further subdivided to start to meet the zones that are there so that they can start to market those even better. So again you're recognizing the fact that you are considering and this is probably I'm realizing now, Vicki why there was not the same perspective that I was having with the attorney because he was aware of that piece of the code. I was looking at it from the State code standpoint. He said, oh but in Rockville we have one additional layer. That's from what Mr. Arnold's read to me, I'm going to tell you, you have to comply with that. But again, there's nothing beyond that still takes away from your authority as a Commission to one make sure they comply with everything else that's in your code, including if you have some unique, substandard language. And that's what you determine that they can exist under it. That's your decision.

Clerk Bell asked can I ask just one question? So what he read, does that take away the fact that we would still want to start at a subdivision? Roger Carter said my position from the very beginning was, I think it's fair to all parties that everybody gets on the same page and say this is the procedure we should move for. The city has a requirement. I'm going to just assume for a minute that the applicant doesn't want to do things that are unsafe. They don't want to do things that are going to be a detriment to the community. I mean, I realize that when we live in a community, any additional growth we don't like. But beyond that, I'm just going to assume from the start, if the applicant doesn't have a desire to do that, so, but they would like to know what rules they are playing by as far as what is going to be expected for me to be in compliance. So when the time comes that I get my approvals at the different stages, I know what's expected so I can be prepared to do that. And if they don't agree with it, that is also time for them to disagree

and to work that through with the city. So again, my position from the very beginning was subdivision points in the land process play a very important role, for both parties, and it just seemed to me that at least the story is getting as everybody just kept swirling for a long time. And I just said, well, why don't you just start unless don't even worry about what the county did. We can acknowledge things. We'll stipulate to those things. But we still got to decide what we're doing today and moving forward both to the benefit of the Community and to the benefit of the applicant and that's why I just said the subdivision process is a nice way to do that, and I appreciate the additional clarification on the code sections as well.

Jane Brennan said we have an additional code in our subdivision chapter. I'm not sure this is appropriate or not, but please tell me if it's not, it's 7.1.7 approval required. While it is not illegal to create and record divisions of land in the town of Rockville, the town of Rockville does not recognize such subdivisions unless they have been approved per Rockville's land use code Chapter 12 Subdivision. Furthermore, parcels created by such divisions cannot be developed or sold until the divisions have been approved by the town and recorded in the office of the Washington County Recorder. Or because these are old, does that not apply or does it apply. Roger Carter said the Town has granted them a non-conforming. If you had not granted the lot sizes. Is that what the words were? Jane said the wording says parcels created by created such division. Roger Carter replied if you had not recognized that, then I would say that code you just read was absolutely everything I was trying to say to you. But that you've allowed that I think you would show a little conflict there and a court would probably say you need to go to the lesser burden upon the applicant. But again, this is not allowing the applicant just to run roughshod at this point. Vice Chair Arnold said he still has to follow our code.

Linda Brinkley asked for clarification on what was said. Did you just say a minute ago that what the county would have already done doesn't count because our decision would be the one that counts. Roger Carter said here's the reality is I have not seen any court or case study or anything like that. that after 75 years because the fact of the matter is most of our towns or a good portion of our towns in the State didn't exist. And counties are actually not mandated to grow, so counties typically will say, listen, if you're adjacent to a municipality, we are required under the statute to really encourage you to go to work with municipalities. So again, we have this happen all the time where you have these lots that are sitting out there that you know 45 years ago were way distant from the town and now gets annexed in. Today, the city is still the one that governs all that and you do not walk around and see this hodgepodge of zoning that was forced upon the city just because somebody subdivided the land 75 years ago. The city can still mandate. And again, that's part of the reason zoning is legislative in nature. You can give somebody a zone. Well, we've had this happen in your town next door three months ago when the previous Council was in. However the new Council came in and yanked the zone away from them. That is a legislative act and is allowed. Linda Brinkley said so then somebody couldn't just go to the county and get something changed. If we decide we supersede the county. Roger Carter said the Town has the police action. Vice Chair Arnold said we cannot take away from what the county has approved, but we can add to it. Roger Carter said only as it relates to the parcels. Again, whatever they even bring from the county standpoint. So let's say that they were to come and say what the county gave us. I don't know what would have been a zone in 1957. You know a QRX zone and they gave us that. Roger said he would still argue that's a legislative action. So the legislative jurisdiction can always change that. Even if you want to say that you have it. It can always be changed and it is not protected out of the pre-existing non-conforming zones. and #2 that's usually why we have requirements that zones are at least subdivisions. That's why subdivisions usually have shot clocks. And even if you got into the argument that all that doesn't happen. You could say, well, fine we'll un-annex, the area back to the county and let the county go back to their QRX zone. And typically the developers will not want that either because the county is not in the subdivision business, but they were at one time because towns didn't exist. But again, lot lines don't constitute subdivision. And my response to this group originally was to say, hey, let's try to be cooperative with the applicants and can we start from a subdivision standpoint and even though this language here is new to me, I don't think it changes the fact that I would still recommend that you kind of approach this as a subdivision. I'd say that to both the applicant and

the City. Then you start from a subdivision standpoint and can start talking about the roads. We start talking about the right of ways. We start talking about utilities and those type of things. You can talk about this and it still doesn't deny your opportunity and I want to make this clear since these are legislative processes, since they are subject to public opinion, just because you talked about it still doesn't guarantee them at the end of the day that they're going to get all they want. But it puts everybody more on one page.

Vice Chair Arnold said he wanted to make sure because I understand that's the big picture, we would love for it to be solved and done. Roger Carter said that was his concern that everybody was spinning. Vice Chair Arnold said but right now we have one lot in front of us. Roger Carter said right so on the one lot based upon the language and again the only thing I got involved in on the permit was just reading out of the book, that said if you have an illegal subdivision, you should not be issuing a permit till the subdivision is resolved. But you're indicating to me that at least the subdivision the lots-the parcels are recognized as a pre-existing non-conforming and again I now see where me and the attorney were of a different opinion because he understood that piece and I did not know about that piece. And now I think we're in agreement. But every bit of the rest of the subdivision process still needs to transpire, and it's appropriate for the city to say we need to transpire the subdivision process. And if I'm the developer, I'm going to say I want to get to the finish line. So can we try to map out what works for both the city and developer. Because again, you could say we'll go ahead and get started. We can issue this permit, but the minute they're outside the OS 20, we won't give any permitted use. And they will just still sit there forever. And even this one you have to look at your ordinances and decide what's the requirements on the road.

Vice Chair Arnold said this information was definitely helpful. So now we'll go back to the actual developer. Jacob Anderson then approached the Commission. He said let me address some of those questions and let me make a point of frustration. I guess a little bit, a lot of those questions I think should have gone to the applicant and not to someone giving legal advice. It's not the town attorney or my attorney. Jane Brennans said he is the administrative representative for Five Counties. He basically is our advisor. Jacob Anderson said but what I'm saying is there's a permit here before you and what I'd like to cover is just: Is the permit complete and does it apply with everything that's necessary. So let me address some of the things he mentioned. I don't necessarily disagree with any of it. To be honest, if someone today were to subdivide just with the county going to meets and bounds and divide their lot into two, the town would have no requirement and most certainly would say you can't build on this lot. It's an illegal lot. You cannot just draw a new lot line and record it with the county. The county will record it, but it doesn't bind the town to do anything. Even if it was a long time ago. Even if it was done in the 50s and the town had no initial ordinance saying we want to recognize these. But the reality is this was done predating the subdivision ordinance of the county and when the Town incorporated the very first and every subsequent land use code recognized substandard lots there previously created. So much so that even the land ordinances mentioned when it is a substandard lot was created before the town when it's a smaller lot than what exists in a larger zoning, how do we adjust setbacks. In essence this is a permitted use, but understanding that it's smaller than what the zoning acknowledges, this is how you'd reduce setbacks to make it work. I'm not going to address or I don't think you guys have any questions about it, but for me as far as what does that mean for any other lot owner. I can't speak for any other lot owner. This is in isolation of this particular lot. I will say just going to Craig Call who. So my attorney mentioned to me these are clearly building lots because of the ordinance the town has. The town attorney and Pam mentioned on the moratorium meeting on September 19, 2023, that she's now been made aware by legal counsel that these are a legal subdivision and there's a lot more in her opinion that needs to be discussed around. Jane Brennan said she was going to stop Mr. Anderson right there. We have been told a lot of different things, so just because you pluck that little date out of the air that Pam said, that does not make it golden. OK, so please don't. Jacob Anderson said what I'm saying is my attorney said this, the town attorney said this. Craig Call has said that's right. Jane Brennan interjected "really, I think maybe you should leave. You're mouthing shut the **** ** to me. Tydon Oler said he did not. Jane Brennan replied yes, you did. Linda Brinkley said he should be asked

to leave. Jane Brennan said Mr. Oler should leave. Mr. Oler denied saying that. Jane Brennan asked what then was said "vacuum" as that what used to be said when we were little kids". Mr. Oler denied it. Jane Brennan said she did not believe Mr. Oler. Vice Chair Arnold said let's stop right there and we'll admonish everyone to not make comments from the board or from the audience. Please, let's turn the time back over to Mr. Anderson.

Jacob Anderson said if you have any other questions, there are some statements from Craig Call regarding this as well. Linda Brinkley asked for a clarification on who is Craig Call. Jacob Anderson said he is the attorney that gives advice to all of the town councils in the state regarding how to apply land use ordinances. Chair Tyler clarified that Craig Call was the one that did our training as well, Linda. Linda stated she doesn't understand though. Are we back talking about in general what it is or are we talking about this issue for Jacob Anderson. Vice Chair Arnold said right now we're at the point that according to the lots existing up there and is legally recognized in our plan, meaning the permit process, we have to go through all those steps now and if it complies with everything then we vote on approving it. So right now the first initial one was whether these even existed and are legal. Well, we figured out that they are. Linda Brinkley interjected as a volunteer member of this Commission if we have a lawyer who's speaking to us or training us, whatever, I'm fine with it, but I do not appreciate, excuse me, nothing personal, I don't want to hear quotes from people coming up here, what their attorney told this and this and this. I can't consume all that. If we're having an attorney talking to us, fine. All right, so now we're going to just deal with what Jacob wants, right. Vice Chair Arnold said right. So the advisor from Five Counties said, per our language, these are legal. So now we go forward. So now is the next step. So what questions do we have on the permit. Linda Brinkley agreed she had heard it. Vice Chair Arnold said the permit process to go forward that's where we're at. He said Jane mentioned roads, or let's just say access according to our code on an OS 20. They have to have 500 feet of frontage road on your property. So right now we're at frontage road. Clerk Bell clarified that is a town recognized road. Jane Brennan said not a dedicated road, but a town recognized road. She asked if that was the proper way to say it. Jacob Anderson said on the appendix, you probably recognize very, very small if you have a larger version, which would probably be useful. It shows a surveyed road access easement all the way from Grafton Road and Bridge Road all the way up to these lots. What I've done is because this is so small I blew up a couple of maps to make it easier to see. This map simply shows that the road existed since 1960. These are printed out by the county.

Linda Brinkley asked if this is what we're looking at here, on the map. Jacob Anderson explained the map to the Commission. He explained different marks on the map.

Ken Rybkiewicz stated it's his understanding from the BLM is that those roads were illegally built to speculate for uranium. Vice Chair Arnold said that's good to know, but we have to know not just guess. Jane Brennan asked if it is illegally built, is it a town approved road. Jacob Anderson said let me speak a little bit more about this. He had a second map for review showing the edge and it shows... Ken Rybkiewicz said we just learned that you could record anything, right. It doesn't make it legal, right. Just because you recorded an easement doesn't make it a public road. Tydon Oler and his driveway, this sounds reminiscent that the argument was this was a public road, and he should be allowed to build on. I mean this is the same scenario in my mind and you know now that since the house was constructed, public access has been denied on that road. And so like, just because this is a recorded easement doesn't make it a public road just because it existed in 1967. The attorney, we just listened to, stated this doesn't make it a public road. So the funds that you guys brought up from the county, isn't applied past the top of the hill. So where is the public road to begin with. Like why are we even discussing this, there's no access. Jacob Anderson said so again the definition for a public road is several: #1 Has it been dedicated. #2 Has it been used for a period of 10 years or more in any given time and once it has it cannot be revoked without an abandonment ordinance. So what I'm showing here is in the 60s, you can clearly see that road and you can clearly see that road here. There's a couple of things in addition to that so there is one thing that would make it public by prescription. The second thing is you can what's referenced on that small paper is this is a BLM designation, which identifies this road as 0769, it's

a Class D Road. And then, many years ago, the BLM realized, or sorry, the State realized it could not assert a road over federal lands. And so it went through a process of saying through historical photography, as well as through testimonial that it applied to the portion of federal because that's where they were getting their permission from the federal government to have that road cover federal land, but to talk through how that road has been used consecutively since, well, the period of time that would allow it to be dedicated as a road.

Ken Rybkiewicz said the Wilderness Act was enabled in 1964 that road traverse's wilderness. That road was never permitted by the BLM wilderness. Jacob Anderson stated let me mention a couple of more things. So again, first question, has it been traversed by the public for a period of 10 years. Second question, it's listed as a Class D Road by the State. And the 3rd item you'll notice adjacent to my property is a home that existed as a residence when Rockville incorporated. And so they existed, and they recognized that house as a residence when the town incorporated, which would make the road that services that residence recognized that as well simply because that's how the resident got to their home. Linda Brinkley asked Jacob on this thing (map) right here, where is the river. I'm upside down on this and I don't understand. It is difficult. Jacob Anderson said there's actually Grafton roads right here and this is the river. Linda Brinkley said ok, so this is Grafton Road. That's what I thought this was. Jacob Anderson said this is going to the South and here's the steep road. Linda Brinkley asked for clarification. She thought the one that we were talking about was right here would be up elsewhere. Brett Jessop tried to point out houses in the area. The last house there's somewhere up in here is located... The Commissioners reviewed the area and the various homes in the area.

Linda Brinkley asked where on this map is the lot we're talking about, right here. OK, that's like this right there. Jacob Anderson pointed out it is higher on the map. He said any one of these would be sufficient to show that this is a road. A recognized road #1-it was used by the public for a period of 10 years or more. #2 it is a Class D Road recognized by the State; and #3 that road serviced that resident immediately passed my property when the town incorporated. He asked if anyone wanted to see anything more on this map. Vice Chair Arnold asked if those 3 rules are true. Ken Rybkiewicz stated until recently, the House that Jacob's been describing could potentially be considered abandonment causes and up until recently, that property had I mean, it was trashed. I mean it should be condemned. Up until recently no one had cleaned up the parcel. I mean, it's just been within the last two years, so I've not been here 10 years. But the entire time that I've lived here outside of being here the last two years is when that property owner started to clean that parcel up. Prior to that, based on my prior marriage, that House had been abandoned for how long? Non occupied. Jacob Anderson said he couldn't speak to that but he could speak to the fact that it was a residence when the town incorporated. He said once a road is recognized, then it cannot be... Ken Rybkiewicz questioned how the town recognized it as a road. I don't see that.

Clerk Bell said we have not done that, recognized it. We do not have any State funds for it. Vice Chair Arnold said if the State has its information and recognized it we don't have to. Clerk Bell said yeah we haven't recognized it. Jacob Anderson said let me be clear, and again, I'm not saying that you are incorrect. I mean, I don't believe there's been any formal recognition, right. I may be incorrect. Because the town recognized a residence when it was created. It of course, recognizes the way a person gets to their residence, right. So the road that goes to the residence and the residence itself that existed when the Town incorporated serviced that residence. But he would agree that since then, there's been no formal recognition or anything more done. Ken Rybkiewicz asked what year the Shiroff house was constructed, and what year the town was incorporated, as that house was built prior to the town's incorporation. Clerk Bell said the town was incorporated in 1987, but she didn't know when the house was built and was built way before her time. She said Mr. Oler talked to that point that the road was maintained by the person that lived in that house. It wasn't maintained by the town and he mentioned that the other night. Jacob Anderson said so I guess my point is any one of those items would normally suffice to show that this is a road, right, it's listed at Class D road. It's been used for a period of 10 years or more, as evidenced by that BLM application. I'm not saying the BLM application itself is grounds for road

recognition, but the fact that it's a Class D Road designation by the State. And it's obviously been traversed for a period of 10 years or more, shown not only by the BLM application, but we can clearly see in the 60s and since then there's clearly a road. So there's a period of 10 years easily.

Vice Chair Arnold asked if having the road there requires the town to maintain it. Vicki Bell said no. Vice Chair Arnold said so it's up to the owner to get to it. Is that correct. Jane Brennan said but also having the road there and having the owner maintain it does not necessarily state that the town has recognized it as a road. Jacob Anderson said again, I do want to be clear it's been a public right away for at least 10 years. As we can see, at least 70 years. It's serviced a town residence for a number of years. And it's a Class D road. Any one of those should suffice for a roadway leading up to this parcel. I believe we're getting and I understand why it looks like a typical subdivision, right. It's got plats. It's got all that, but it should be treated like an individual parcel that existed just like any other parcel in town. That existed prior to the organization of the Town. Jane Brennan said she personally would like to understand this further. This is not enough for me. This is not. Vice Chair Arnold said we have no definition in our plan for road. Jane Brennan said no our code does not cover roads. Our job does not cover roads. That's the Town Council issue. That's why it's not in there. All that we need is that he has frontage on an approved town road. It's not up to us to decide if it's a road or not. Jacob Anderson said not that this is terribly relevant. But does the town have any plans to maintain the road or residents there at the current time. Ken Rybkiewicz stated the Planning Commission couldn't answer that is not our department. Jacob Anderson reiterated my point and again I know Linda Brinkley you don't want to hear this quote from Craig Call, but I attended that same hearing and I've read his book and one of his quotes is after hearing the evidence land use authorities to make an unbiased and reasoned decision based on the evidence. The Planning Commission does not have the option of simply refusing to decide or by imposing conditions requiring the applicant to go somewhere else to get the decision on the merits, in other words there should be no requirement for me to go somewhere else. The permit has been before the Council and the Council has had time to research and decide if it's. Jane Brennan said not the Council. Jacob Anderson said sorry the Commission. The Commissions had time to research it and see if it fits it or not. It seems to me if this were any other lots. All of these things would be a slam dunk, no hesitation. Jane Brennan said you'd be on a regular street, that wouldn't have a question whether it was an approved town road. Jacob Anderson said but there are a lot homes on this street. Jane Brennan said but you have a lot of lines here and you have homes here. Jacob Anderson said yes, all the way up that hill, there's ten homes or something right. And there's been no question on that this road. Jane Brennan said there's been no question from you on whether this road is a real road, but there has been question whether this is a real road, lots and lots of questions. Jacob Anderson asked if anyone has been denied past Bridge Road up this road based on the road not being a Town approved public right of way. Jane Brennan said she didn't recall any applications denied or approved. Jacob Anderson said but all of those homes exist going up there, right.

Jane Brennan said who knows how long they were approved or how long ago they were approved. They weren't approved in the last 10 years. Jacob Anderson stated I guess what I'm saying is I feel like there's frustration toward me. But I feel like... Jane Brennan said no, it's about the road right now. It's about the road, because... Vice Chair Arnold said let me ask this question. What would be proof for the road, what do we need. He has a map from the county that says it's a road. But he needs to know what the town needs to recognize this as a road. Does that make sense. Jane Brennan said she would think that the town council, who's in charge of roads, would be who should decide if this is an approved town road and if he actually has frontage on this road. Ken Rybkiewicz said he would have to agree with Jane we need a determination of who owns the road? I mean, there's an easement. Chair Tyler said well by the definition that Jake stated about the usage and that determines that without a doubt. Jane Brennan said no, no. Chair Tyler said we need to find out what does that say about the frontage on there for the road. Is that defined there in the land use code. Vice Chair Arnold do you have that Section still up. Vice Chair Arnold said he did not have that Section dealing with roads only frontage for that zone is 500 feet. It does not say a Rockville recognized road. It does not say that, it just says road. Jane Brennan said you are only looking at the chart not the right thing. Vice Chair Arnold said he said I'm in the

zoning right there. Chair Tyler said yeah, because that's what I'm trying to define and delineate on that as well. I mean you know to be honest with you, right behind my house, there is a Rockville road. Vice Chair Arnold read it says frontage upon a dedicated or publicly approved street or upon a private street or right of way approved by the town before a building permit. So is it considered a private street. The State recognizes it, so does that make it public, if the State recognizes it in my mind, it says yes. And this says or if I'm reading right from here. Jane Brennan said my point to Garth is, it is not up to us to tell if this is a road. If this is public road. Because Jacob says it's been used for 10 years because it's got some numbers on it. There's too much question in my mind for this and I think that we should table this to the Town Council. Chair Tyler said well, that's beside the point. The point is, it's been recognized by the County and State. Jane Brennan said not necessarily. Chair Tyler said yeah, it has. I've researched that and we may have to give some additional information on that to do that, but back to my question of what Tim just read there as what we are defining here in our code. Jane Brennan asked where is that documentation, Garth. Chair Tyler said because I want to get back to that, I don't want to get back to you know that other piece there and if it's defining it as a public road. Read that again, sorry, I apologize Tim. Vice Chair Arnold said it just says in section 914. Frontage upon a dedicated or publicly approved street or upon a private street or private right of way approved by the town before a building permit may be issued. He said so we need proof that it's either dedicated or it's a publicly approved street. Which we need to find the definition of that and that's not in our code or it's determined to be a private street or right away and the town approves it as a private street or right away. So we have three options here: it's either dedicated, which is usually dedicated by the town is my understanding. Linda Brinkley said to put it on the Town Council and let them decide.

Jacob Anderson said my point is on this it's roads and streets and everything else with a permit are all the boxes are checked, it would be for the Planning Commission to pass it and for the Town Council then to appeal and deny if they don't believe this is a town approved right away.

Clerk Bell asked if Mr. Anderson had ever chatted with the Fire Marshall yet. You need to find out if they want to accept that road going up there. Jacob Anderson said so the order of that is, I'm not supposed to chat with the fire Marshall until the approval of the permit, and then the Fire Marshall review comes after that. Chair Tyler stated you'll see on the document that he signed for the zone one within the fire, whatever they call it. That is recognized and that is his responsibility to get with the Fire Marshall to determine what needs to happen provided and him knowing that they possibly cannot get up that road to be of assistance, and so and that's what he signed. And my understanding Jake is you have already preliminarily talked to them about that as far as defensible space or is that something you read from a file or something from them. Jacob Anderson said what he has is from the town's own fire suppression information for zone one with and so understanding that the last hydrant is far way. It may be difficult for water trucks or fire trucks to get up there. And if you need that qualification, the town asks you to acknowledge that by signing that, and so that's what I've done. What comes in the process next is once approved, then there's the Fire Marshall review or you discuss there still has to be a Fire Marshall approval so... Chair Tyler said OK, sorry I put the cart before the horses.

Vice Chair Arnold replied so right now we have a potential issue with the road. Let's move on and follow the rest of the application. Is there anything else in the application that's an issue. Jane Brennan asked which is the front of the parcel. Jacob Anderson pointed out the front. Linda Brinkley said she had a question because she was confused. The sheet that we have that says fire suppression information for Zone 1, Rockville, UT. What is this indicative of. Is this something that Jacob did you apply for. Jacob Anderson said it's from the town and it's part of the permit packet. Linda questioned it was part of the permit. Vice Chair Arnold answered basically the town says we can't defend all houses in this Town and you sign this saying you are responsible. Linda Brinkley clarified does this mean sprinklers are required. Jacob Anderson said it says for the size of home must provide a defensible space is required, in Zone 1 and then must install at a minimum of 5000-gallon water tank is required. Linda Brinkley said she had read this the other day and I was wondering what it was. Jacob Anderson said that's just because of the fact that

you're more fire risk because of the location. Linda Brinkley clarified so it's just informing you as the resident. Vice Chair Arnold said that's correct. They are putting the responsibility back on the person and the owner.

Jane Brennan asked if anybody had done the math for 912. Vice Chair Arnold said yes 212 feet. That's the minimum. Jane Brennan asked what's the side yard. Vice Chair Arnold said 42% of 500 and then that makes it the side yard requirement is 50. So 42% of that is as far as I could tell by the calculations, per this, all the setbacks were correct for OS 20 minimum required. The maximum height is still 25. The front yard needs to be 50 feet from the road, so 42 percent is 24 feet and something minimum side yard is 30 feet, 42% makes 13.87 and the minimum rear yard is 50 feet, which this is by far more than that as well. Jane Brennan said the only one she was concerned about was the short side. Vice Chair Arnold said now it fits. Jane said because it needs to be 21.

Jane Brennan said she has an issue regarding the size of the footprint size of the dwelling. In our code, the definition of a dwelling: any building or portion of the building designed or used is more or less permanent residence or sleep place, etcetera. Minimum square footage of a dwelling shall be 800 square feet. Your dwelling is 650 square feet. Jacob Anderson said he could speak to that. The dwelling is 1300 square feet 650 up 650 down. Jane asked if like in the garage down... Jacob replied no, that's finished space. Jane said with the garage door. Jacob said we'll do a garage door one of those glass ones, or whether... Jane said ok, if that's the case, you haven't labeled that. Jacob said on the building plans themselves. So not on the picture, but on the building plans themselves. You'll notice that there is, it's conditioned. And I do have the wall going across because that is the plan. Jane asked what's the use. Jacob replied just living area. Jane pointed out it was not labeled. Vice Chair Arnold said it just says habitable space. Jane explained in the past we have measured space for a house at the maximum, for instance, is 4000 square foot. As you know that a house can be larger than 4000 square foot livable space because there's an upstairs and a downstairs and a basement. So technically we are allowed by our code to permit a house that is 12,000 square foot of livable space and a 4000 square foot footprint. I believe that is absolutely inconsistent to count both floors for this project when we don't count both floors or all three floors for other projects. Jacob Anderson said so that that's a good point. My answer to that would be then I would encourage you to change the code regarding that right. Because for minimum it says your minimum square footage would be 800 square feet. Your maximum is 4000 square foot footprint is what it says for the maximum. So for the minimum it's mentioning livable square footage for the maximum it's mentioning footprint. Jane said it does not mention livable square footage, minimum square footage of a dwelling shall be 800 square feet. Jacob said it actually does if you go to the definition it would mention, I think livable space. I'll have to go look at that again. But I guess my point is the home plan, the engineer and I'm sure when it's taxed by the county, every one of those are going to say this is 1300 square feet. No one refers to what size your home is based on the footprint. Jane said no one but us. Vice Chair Arnold said Jane you and I talked a little bit. I want to come back to your definition and dwelling because it actually specifically references living space in dwelling definition. It says any building or portion of building designed or used as more or less the permanent residence or sleeping space or one of the following persons or families is occupied for no less than 30 days. Minimum square footage of a dwelling shall be 800 square feet. Every other place in our plan when we limit size has to do with footprint on the big side however we do not limit anywhere on the size except for by square footage in this dwelling definition. Square footage by definition from real estate from on is livable space.

Jacob Anderson said if its meant to be footprint then I would just say add footprint. Jane said she agrees, in the future we should definitely make this clearer. However, for the sake of consistency. I believe that we should require an 800 square foot footprint as our code requires consistency. I know you disagree. Jacob Anderson said you are not going to like how I say this but let me repeat this... Chair Tyler said sorry excuse me if it does not delineate that specifically, then we can't do that. I mean, yeah, it might be case consistency, but I go by the letter of the stuff and that's what we have to abide by. So if it does not say footprint of 800 square feet, then we can't do

that. Jane said so you are fine with being inconsistent in our code. Chair Tyler said whether the inconsistency, whether people are assuming that or not, I have never assumed that. I go by what is written and if it's written as that as what Tim just said, he is in compliance. Jane said she does not believe that he is in compliance and I do believe that we are being inconsistent. Chair Tyler said well then, then we have to change it. And it's not our responsibility to impose that upon somebody else when they come to us until we change it and that's the case with the people that are wanting to put water in their accessory buildings or not, we're still telling them, hey, sorry you can't. And until that's changed, this is what it is plain and simple. Jane said this is up to interpretation, unlike the water in accessory buildings, is quite clear. This is up to interpretation. Chair Tyler said no, it sounds to me if Tim, just read what was there and he didn't omit any words, that's what it is. Jane said ok I'm going to tell you that I'm not going to omit any words here. Minimum square footage of a dwelling shall be 800 square feet. How is that not clear. Jacob said but I can answer that and say this home has livable square footage of 1300 square feet. Jane replied that's not how we measure homes. We don't measure decks, we don't measure garages. We don't measure first floor. Chair Tyler rebutted by saying my engineering experience and knowledge, square footage is total square footage. It's not a footprint, and unless we define it as footprint that comes from pure knowledge and what is common for engineers and designers to do. So we need to change that. That's on us. We can't enforce that until it is delineated as such. Jane said she disagreed you don't understand that this is up to interpretation and we are interpreting it incorrectly because we are not being consistent. If this is the case, then the house that we didn't approve is what 7000 square feet. You know, we need to be consistent and this is not consistent. Chair Tyler said right, so let's change the code. Jane said to change the code is fine and in the mean time we can interpret it consistently. Chair Tyler said every time I dealt with this type of stuff, when I was dealing with federal agencies, they're like, well change your code. You know well this is what we meant. He was told to change your code then so that you say that. You know and that has consistently been the issue, if that's what is meant and if that's what we are trying to say, by golly we better say it and that's even coming from something that's the training that I got from when I went to Craig Calls class. He said you better be precise in what you're saying, because if you're not you're going to lose. Jane said ok, I'm going to say that we can be able to interpret this, and our interpretation should lean toward consistency and for it not to lean toward consistency is very questionable to me. Chair Tyler said well I disagree. Jacob said this is probably not helpful, but as the applicant to me it doesn't seem fair that a code can be in my opinion made-up and as long as consistently applied is forced upon an applicant without there being code written. Chair Tyler said yeah, we can't plain and simple. And we're plain and simple. We're going to go by verbiage. We are doing that on everything else and we're going to stick to the verbiage because that's what's going to be enforceable in a court of law. Jane said this is interpretation of its code. This is not the code itself. Vice Chair Arnold stated well, I think that comes down to why we have five of us and why we vote.

Ken Rybkiewicz questioned what else needs to be reviewed for this application. Vice Chair Arnold said he had gone through all the check points and found those were the main questions, the big ones. I didn't find anything in the engineering. I didn't find anything in the air conditioning or all the other things. He said water was accessible, they had all the appropriate permits and everything. So is there anybody else who sees something missing? Jane asked where the benchmark is. Vice Chair Arnold said right on the page with the site plan. Jane asked if the site plan was the little thing. Vice Chair Arnold said no, they have a big plan too. Jacob said it'll look like this, just you can recognize, it's a colorful one. Jane said she is going to need the distance to your nearest fire hydrant. She said it's probably on the site plan also. Jacob asked where does it ask for that in? Jane Brennan said on the building permit in the permit process. Jacob questioned, is it. The Commission looked to find the reference and where that issue is requested. Jacob asked where again it is located, sorry which page. The Commission continued to look for it. Vice Chair Arnold said its on your check checklist. Clerk Bell found it on page 2, the second one down. Chair Tyler said he may have overlooked that item and it may need to be included. Chair Tyler said I think I was referring to the Zone 1, the disclosure that needs to be included.

Jacob Anderson said just for the record for a month I've been in twice a week asking if there's anything at all that might be considered missing on this. Was this known beforehand or just discovered right now? Chair Tyler apologized and said that was his oversight he was referring to Zone 1 fire suppression. That was his bad on that. He said all that would be needed is for Mr. Anderson to get in his car and measure the distance and provide the office with the number.

Jane Brennan asked can you tell me what this word is on your site plan. Vice Chair Arnold said solar panels. Jane Brennan said ok I got it. It's in a tree. Chair Tyler said yeah, sorry about that Jake. Jacob Anderson said that's fine if I could provide that during this meeting would that be acceptable. Jane Brennans said that would be something that we could add later, you know. Chair Tyler said yeah, it's a minor thing. Jane Brennans said that could just be a condition.

Jane Brennan said I have to tell you that your building plan your pantry is in a lousy place. I would not want to walk out of the kitchen, into the hallway, to go get groceries. Jacob Anderson said it looks pretty, the house, and its square so that's cheap to build, that's mostly what I was going off with. Jane said that was all her notes.

Chair Tyler asked can anybody see anything else I need to ask questions on. Jane Brennan stated in your electrical you have the air conditioner I believe outside. Is that all of your main mechanical. Jacob said that's correct. It's a mini split. Chair Tyler said yeah, sorry, there's another one that I did the same thing on that Jane was like, where's your mechanical? But they're mini splits, so they're kind of nice, actually. But I did see it there too. It was kind of in... Vice Chair Arnold asked Ken, did you find any other issues with the permit. Ken Rybkiewicz said just as minor details in terms of conclusion. Vice Chair Arnold asked Linda if she had any questions. She did not. Vice Chair Arnold asked if Andy Efstratis had any questions. Andy did not. Vice Chair Arnold asked if Garth had any other issues with the permit. Chair Tyler said nope, he did not.

Jane Brennan said she would like to table this so we can get an ok from the town regarding the roads. Jacob Anderson said he would like to request pass or fail, the Town Council if they disagree, can always take it and override the decision with Planning Commission.

Vice Chair Arnold said he did not have any other questions.

Vice Chairman Arnold **MOVED:** please let me know if I have missed anything in this motion:

Whereas, the application for a building permit for a New Home located on Parcel #R-1308-D Rockville Utah submitted by Jacob Andersen is complete, and

Whereas, the following has been addressed and accepted by the Planning Commissioners: understanding it is a substandard lot. Road had been defined as public or private as per Town of Rockville. Building meets non-conforming lot procedures. And a label fire hydrant and distance from property. Chair Tyler introjected: just say recorded.

Vice Chair Arnold then goes on to say and #4 reported fire hydrant and distance from property.

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, I move we approve this application.

Chair Tyler asked Vice Chair Arnold to go back to the part regarding roads and that.

Vice Chair Arnold said the road has been defined as public or private as per the Town of Rockville. That's how the Land Use Code refers to it. Chair Tyler asked so then are we putting this a condition on that the road needs to be defined as such and approved as such. Vice Chair Arnold answered yes. Jacob Anderson asked if he could interject: he thought what was discussed or what he heard or what I hope for anyway is I believe there is ample evidence on the road and some people say we are not the road authority the Town Council is. I would recommend we pass it and if the Town Council disagrees on the road, it can be overridden by the Town and pulled

back. Vice Chair Arnold said in the past we have put these types of exceptions or these kind of approvals for approval for the permit. Jacob Anderson asked the motion be reread.

Vice Chair Arnold then read: the road has been decided or shall I say frontage road to make this specific. Chair Tyler said yes, Clerk Bell asked if they were talking about which road. Vice Chair Arnold said it has to do with the road that is the frontage of the property. He then said has been defined as public as per our Code says public or private as per the Town of Rockville. Clerk Bell then asked defined by who. She said this was defined by him not us. Ken Rybkiewicz then said he does not agree with that, and the Planning Commission isn't defining it. Jacob Anderson said it would be up to the legislative body to define it. Chair Tyler said maybe worded to be determined later. Jane Brennan then said if the Council deems it's a proper road, we can add that to the motion. Chair Tyler said if deemed by the Town Council this is and then into the verbiage. Jane Brennan said if the Town Council deems its proper frontage, then it's ok.

Vice Chair Arnold then said he has frontage road has been defined as public or private as per the Town of Rockville Council. Chair Tyler said it should include to be determined. That would tell us the issue is ahead of us. Jane Brennan said still pending. Ken Rybkiewicz said he is still hung up on the zoning versus. Jane Brennan said it is a 20-acre zone. Vice Chair Arnold confirmed it is a 20-acre lot and the lot is a non-conforming lot within a 20-acre zone those are legal and acceptable. Chair Tyler noted substandard. Vice Chair Arnold said that was determined. Ken Rybkiewicz said he is still having a hard time as we had a gentlemen tonight consult us but is not the official Town attorney. Vice Chair Arnold said the previous Town attorney approved it. Jane Brennan then said and the one before that did not. And there is stuff all over the page. Vice Chair Arnold said he understands the Council can change it, but we are voting on it now, based on it existed before, we are working on this lot and our plan says if it existed before and it follows these measurements, it even says in our plan I will say this right now, I will add to it Section 18.3 prior created lots. Uses and structures, lots, structures and or uses which were in existence prior to the adoption of this Chapter, the zoning regulations, shall not be denied as per building permit solely for the reason of non-conformance with any existent land use code requirements. Vice Chair Arnold said we cannot deny this based on just that. Jane Brennan asked a question of Jacob. She asked if this lot, in this size was always this size. Jacob said it was one of the larger lots in the subdivision. Jane asked if this lot has been added onto or subtracted from. How lucky is it that it's just exactly the right size for the map that it was on there. Vice Chair Arnold said this deed was registered in 1962. Chair Tyler said it only cost \$2.00 to do that. Chair Tyler asked if that satisfied Ken's curiosity. Ken Rybkiewicz said yes. Vice Chair Arnold then reread the motion:

Whereas, the application for a building permit for a New Home located on Parcel No. R-1308-D Rockville Utah submitted by Jacob Andersen is complete, and

Whereas, the following has been addressed and accepted by the Planning Commissioners, understanding it is a substandard lot, frontage road has been defined as public or private to be determined by the Town Council of Rockville. Building meets non-conforming lot procedure reported fire hydrant and distance from property. Jane asked what? Vice Chair Arnold said he must report on the fire hydrant and distance from property. Clerk Bell replied on the condition that he reports the distance to the fire hydrant. Jane Brennan said ok. Vice Chair Arnold then added on condition of reporting fire hydrant and distance from property.

Whereas, this building project complies with LAND USE CODE, and does not conflict with the ROCKVILLE GENERAL PLAN, and does not conflict with the nature of the community,

I MOVE we approve this application. Chair Tyler **SECONDED** it.

VOTE ON MOTION:

Ken Rybkiewicz – Nay
Linda Brinkley – Aye
Jane Brennan -- Nay
Garth Tyler – Aye
Tim Arnold -- Aye

The MOTION passed with 3 Ayes and 2 Nays.

Chair Tyler said with that being said this issue is needed to be run up the flagpole with the Town Council.

7. **APPROVAL OF THE MINUTES FOR THE MARCH 12, 2024, REGULAR MEETING:** Vice Chair Arnold asked if there were any changes to the minutes. None noted. Ken Rybkiewicz made the **MOTION** to adopt the minutes for the March 12, 2024 regular meeting. Vice Chair Arnold **SECONDED** the motion.

VOTE ON MOTION:

Ken Rybkiewicz – Aye
Linda Brinkley – Aye
Jane Brennan -- Aye
Garth Tyler – Aye
Tim Arnold -- Aye

The **MOTION** passed unanimously.

8. **APPROVAL OF THE MINUTES FOR THE MARCH 12, 2024, WORK MEETING:** No changes were noted. Chair Tyler made the **MOTION** to approve the minutes for the work meeting on March 12, 2024. Linda Brinkley **SECONDED** the motion.

VOTE ON MOTION:

Ken Rybkiewicz – Aye
Linda Brinkley – Aye
Jane Brennan -- Aye
Garth Tyler – Aye
Tim Arnold -- Aye

The **MOTION** passed unanimously.

INFORMATION/DISCUSSION/NON-ACTION ITEMS:

9. **TOWN OFFICE REPORT:** Nothing to report.

10. **PLANNING COMMISSION ADMINISTRATIVE BUSINESS:** Vice Chair Arnold said the next Planning Commission meeting will be May 14, 2024. Ken Rybkiewicz said he would not be in attendance.

Roger Carter advised the Commission stating knowing that you have some of these discussions, like tonight, that will probably come up more in the future too. One of the suggestions I might have is that you inquire of the private property Rights Ombudsman Office, which is actually the office Craig Call started in the state that can offer advisory opinions on things like roads and that I think this one was much more probably clear cut than you're actually going to probably experience in the future and it just might be of value to inquire of the offices they've provided advisory opinion on some of the things that you talked about.

Chair Tyler asked Roger Carter another question. If he is affiliated with the Ombudsman Office. Roger Carter said no I'm not. As a matter of fact, I didn't think of the Ombudsman's office until we were sitting here, but this is precisely what the Ombudsman office walks through and they provide these advisory opinions that are so complicated, like I said, based upon what was read this evening. I think this lot is probably clearer than maybe some of the ones in the future might be or they may be. But we've talked about, we've got this attorney and that attorney and me and all that with the advisory, the Ombudsman that's what they do. They come in and as a neutral third party and go through that and I would recommend you reach out to them and see if they can solve it. Chair Tyler thanked Roger Carter for being here tonight.

11. **ADJOURNMENT**

Vice Chair Arnold turned the chair back over to Chair Tyler. Chair Tyler asked if there was a motion to adjourn. Linda Brinkley made the **MOTION** to adjourn the meeting at 8:55 pm. Vice Chair Arnold **SECONDED** the motion.

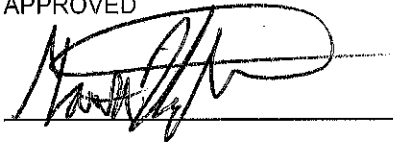
VOTE ON MOTION:

Ken Rybkiewicz – AYE
Linda Brinkley – AYE
Jane Brennan – Aye
Garth Tyler – Aye
Tim Arnold – Aye

The MOTION passed unanimously.

Vicki S. Bell,
Town Clerk

APPROVED



Planning Commission Chair/Vice Chair

The foregoing minutes were posted in the cabinet of the Rockville Town Office by Vicki S Bell at approximately 10:14 AM on 5/15/24 on the Rockville website and the Utah Public Notice website.



Vicki S. Bell
Town Clerk



**Rockville Planning Commission
Regular Meeting
April 9, 2024 6:00 p.m.
Rockville Town Hall**

PLEASE SIGN YOUR NAME AND PLACE OF RESIDENCE FOR THE RECORD

NAME _____

ADDRESS

Bruce Waldron
Pop Culture

Howe Property

Chisman

Rockville

Chelsea Holmstead

Sath mesa

Brett Jessop

South Mesa.

Julia Mary

South mesa

Nathan Trotter

South mesa

Tyson Over

South mesa/Rockville

Bernadette Kauf-Cole

Bridge Rd.

Stacy Christensen

Grafton Rd

