

**Rockville Town Council
Special Meeting
Rockville Community Center, Town Hall
April 23, 2024 – 6:00 pm**

1. **CALL TO ORDER – ROLL CALL:** Mayor Leach called the meeting to order at 6 p.m. Michael Evenson, Robin Smith, Megan Honer-Orton, Pam Leach and Jeff Ballard were present. Vicki Bell, Town Clerk, recorded the meeting.
2. **PLEDGE OF ALLEGIANCE:** Mayor Leach led the Pledge of Allegiance.
3. **APPROVAL OF THE AGENDA:** Jeff MOVED to approve the agenda, Megan SECONDED the motion.

VOTE ON MOTION:

Michael Evenson – Aye
Robin Smith – Aye
Megan Honer-Orton – Aye
Pam Leach – Aye
Jeff Ballard – Aye

The motion PASSED unanimously.

4. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM:** No conflicts were declared.

ADMINISTRATIVE ACTION ITEMS

1. **DISCUSSION AND ACTION FOR A CALL-UP REVIEW FOR THE ACTION TAKEN BY THE PLANNING COMMISSION APPROVING A BUILDING PERMIT FOR A NEW HOME LOCATED ON PARCEL NO. R- 1308-D ROCKVILLE UTAH SUBMITTED BY ZION HOLDINGS LLC, REPRESENTED BY JACOB ANDERSON AT THEIR APRIL 9, 2024**

MEETING: Mayor Leach began by stating that the reason for this meeting is twofold. She mentioned that two letters of concern had been received and proceeded to read them. The letters are attached to the minutes. The Mayor asked if council members had questions or comments. Michael stated that that he has been doing a lot of research listening to the minutes of the Planning Commission meeting and I feel very strongly that we need a little more time to do more research. There are a lot of issues and a lot of questions that he needs to have addressed. Robin agreed with Michael's statement. Since the meeting, she has done a lot of research and has a lot of questions and issues; we need time to fully investigate. Megan stated she thought the fact that there are questions, yes, we do need to delve into this and see what the answers to the questions are. Jeff stated he wasn't at the meeting, but he had taken time to listen to the tapes. He felt that it really wasn't thought through very well and that some of the folks were, as Angie said, they were confused about what was going on. And he felt like they were, in his opinion, pushed in that direction just from what he heard on the tape. We need to look at it a lot more.

Mayor Leach stated that she knows there has been some comments that there have been varying opinions on the status of those lots on the South Mesa over the years. When Rockville incorporated, we were told that those lots were an unapproved subdivision, and unapproved parcels. It's been shown that our Land Use Code does state a nonconforming nature of lots. Lots are recognized as one of the nonconforming natures that we approve or address. What has been presented to us is that the County did not have any zoning or have any codes in place when these lots were created and, therefore, they are calling them legal lots. What we have not looked at is State Code, because the state did adopt zoning codes and land use codes back when codes started back in 1891, but vary over time periods. It would be well worthwhile for us to get the information on what codes the state had that would have applied to those lots, because it could be significant. It is a wonder why the County would tell the town that there was an unapproved subdivision and what did they base that on? So again, I do also agree that there's further investigation that needs to be done. She stated that she has talked with Jordan Cullimore at the Property Rights Ombudsman's Office and the Town can request an advisory opinion on this issue.

This would be a nonpartisan decision. That's one of the great things about the Ombudsman's office; they don't represent any one party. They are looking strictly at the law and what would apply. Her understanding is if a request is made that they will speak to both parties, both to the Town and to the parties in question. And I think this has gone on long enough that I think we need to resolve this to the best of our ability legally. It would be nice to be able to do it without litigation and this is why she recommended that if the Council votes to do a review, that an advisory opinion be part of our review is to go to the which is why I would recommend that if the Council votes to do a review, that be part of our review is to go to the Property Rights Ombudsman and get their opinion on this situation because there is still questions as to whether or not, what determines that these lots are legal just because the county didn't have Codes; there may have been some other reasons. Mayor Leach asked if there were other questions or comments.

Robin stated she agreed with getting the advisory opinion. I guess I just want to be clear that that would not be the sole deciding factor, that we reserve our rights to further investigate or obtain other opinions as necessary. Mayor Pam stated that it would not be the sole determining factor, nor will it be a binding opinion. . If this ends up going to litigation, that opinion would not be, from what she understands and she has only just started to look into this, but that would not be used going into court. We would have to present all of our own facts and information. And again, she hopes that we can resolve this. It's been suggested to us on numerous occasions that an application for a subdivision, in fact , this was what has been told to property owners up there for as long as she has been in Rockville that if they wanted to have this be an approved area with rights to do building or whatever that they should apply for a subdivision permit or approval. In listening to the recording of the Planning Commission, Roger Carter, mentioned several times about a subdivision process and that may be something that we need to do.

Mayor Leach asked if there was any other questions or discussions? Jeff asked if the Ombudsman will delve into the fire protection end of it too? Mayor Leach stated that we would have to tell them or describe what we what we want to know. I would think at this point it is the legality of the lots. The roadway typically when a subdivision is done, the roadways within a subdivision are all platted. There's no subdivision plat that anybody has provided that was done when these lots were created. That typically would have been done then and that's what would have defined the roadways. And right now, those roadways are the areas shown as roads are just gaps in the deeds. From what she understands from the recorders office. So again, there's a lot more investigation that needs to be done. And so, in her opinion, this review is necessary.

Mayor Leach **MOVED** that due to the continuing ambiguity on the legal status of the South Mesa area lots, the Town Council approves a call out review of the Planning Commission's decision to approve a building permit for Zion Holdings LLC, Jacob Anderson, representative, at their regular meeting on April 9th, 2024. She further **MOVED** that the Town seek an advisory opinion from the Utah Property Rights Ombudsman on this issue in hopes of finding a resolution to this issue. Until such opinion is received and accepted, no further applications or actions will be considered for these south Mesa properties. Jeff **SECONDED** the motion.

VOTE ON MOTION:

Michael Evenson – Aye
Robin Smith – Aye
Megan Honer-Orton – Aye
Pam Leach – Aye
Jeff Ballard - Aye

The motion **PASSED** unanimously.

ADJOURNMENT: Michael **MOVED** to adjourn the meeting. Robin **SECONDED** the motion.

VOTE ON MOTION:

Michael Evenson – Aye
Robin Smith – Aye
Megan Honer-Orton – Aye

Pam Leach – Aye


Jeff Ballard - Aye

The motion PASSED unanimously.

The meeting adjourned at 6:17 pm.

Vicki S. Bell
Town Clerk

APPROVED:



Pam Leach, Mayor

The foregoing was posted in the foyer cabinet of the Rockville Town Office by Shelley Cox at approximately 10:00 AM/PM on 5-16-24, on Rockville's Website and the Utah Public Notice Website.

Shelley Cox
