

Rockville Planning Commission

Regular Meeting

Rockville Town Hall

June 11, 2024 – 6:00 pm

1. **CALL TO ORDER – ROLL CALL:** Chair Tyler called the meeting to order. Members in attendance Ken Rybkiewicz, Jane Brennan, Layney DeLange, Linda Brinkley, Vice Chair Tim Arnold, Chair Garth Tyler, and Andy Efstratis. Town Clerk, Vicki Bell, recorded the meeting.
2. **PLEDGE OF ALLEGIANCE:** Chair Tyler led the audience in the Pledge of Allegiance.
3. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM:** Chair Tyler asked if there were any conflicts of interest for tonight's agenda. Vice Chair Arnold said he wanted to make people aware on item No. six, consideration and action on building permit application for a new residence for Jacob Anderson located on parcel number R13O4. He stated that he had discussed this possible conflict with the Mayor and spoken with the Rockville attorney and they had come to the agreement that he does need to disclose that he teaches Jacob Anderson's children at Zion Academy, but the consensus was that he does not need to recuse himself from voting. Ken Rybkiewicz **MOVED** to vote as Planning Commissioners, whether or not we feel that Tim Arnold should recuse himself during that agenda item. Chair Tyler said he would not do that just for the fact that the information that was received took all of 60 seconds on the website to pull up the board members for the Zion Academy and there is no listing of Jacob Anderson's name on there. Chair Tyler said all Commissioners have interests and interactions with others as Rockville is such a small town each would need to declare a conflict allowing any of Commissioners to vote on agenda issues. He said he doesn't feel there is a need to take a vote on this as there is no mention of the applicant serving on the Board of Directors. He said as Vice Chair Arnold mentioned and as the Mayor mentioned in her comments there is no reason for recusal on the agenda item No. 6 so he said he would let it stand. Jane Brennan reminded everyone that conflict may be considered as personal or financial, as per Code and State Law, depending on a person's moral compass. Linda Brinkley explained to everyone that recuse meant not voting on an issue where there is a possible conflict. Linda Brinkley **SECONDED** the motion. Vice Chair Arnold asked to make a statement before a vote is taken. He said he had been on the Planning Commission for four years and has always followed the ordinances and codes allowed rather than his knowledge of the applicant. In speaking with both the Mayor, the Town Attorney and his own personal attorney they felt he does not need to abstain from voting. He had always followed his moral compass to the Town of Rockville. He said if this is the case, as Jane stated, then when Commission members have any animosity towards applicants they should abstain from voting on issues at each meeting. Chair Tyler said again he does not feel a need for this consideration. Ken Rybkiewicz stated this is not personal but based on comments and perception expressed from citizens at the last meeting and other commissioners nor is he questioning Vice Chair Arnolds integrity. He felt the best way to avoid the issue is for Vice Chair Arnold to abstain. Linda Brinkley stated as procedure there is a motion and a second a vote was needed. Chair Tyler asked for clarification on the motion. Clerk Bell said the motion was that Vice Chair Arnold would recuse himself from voting on agenda item No. 6. Linda Brinkley then questioned the motion. She felt the vote would be taken when item No. 6 was discussed. Jane Brennan asked if yes meant in favor of recusal or no. Linda Brinkley stated she would like to wait to vote until the item is discussed.

VOTE ON MOTION:

Ken Rybkiewicz – AYE
Jane Brennan – AYE
Linda Brinkley – ABSTAINED
Tim Arnold - NO
Garth Tyler – NO

The MOTION failed.

PUBLIC COMMENT: There were no comments.

4. **CONSIDERATION AND ACTION ON A BUILDING PERMIT APPLICATION FOR A NEW RESIDENCE, A DETACHED GARAGE AND POOL HOUSE ACCESSORY BUILDING FOR JOHN & NANCY LOWE LOCATED AT 128 W. GRAFTON ROAD:** Nick Lowe was attending via Zoom, with

John Lowe present in person. Chair Tyler asked for a quick synopsis of the request. Nick Lowe said this is a new home with a detached garage, pool house and a pool. Chair Tyler said since no plans were submitted for review of the pool it would need to be considered at a later date. He thanked Lowe's for submitting complete plans and offered an apology hoping he didn't sound harsh at last month's meeting. Nick Lowe explained the home is for his parents, John and Nancy Lowe. Nick will be overseeing the build. Nick Lowe said they are still working with a contractor on the pool. Chair Tyler said the Commission will follow Robert's Rule of Order and each member will be given a chance for questions and/or comments in an orderly way. Jane Brennan started off by asking the distance to the fire hydrant as it may need to be moved closer than 150'. Nick Lowe answered the Fire Marshall stated placement in the main road would work but they will follow what is required. Jane questioned the height of the chimneys and stated Code requires they must be lower than 25' and needs to be adhered to. Nick Lowe said a line is shown indicating the grade and they will follow Code; however chimneys and ventilation is not required to meet the 25' and the design is used to shield the possible equipment from showing, and the correct height will be adhered to. Jane Brennan reiterated that no water can be connected to any accessory building and that doesn't change upon occupancy. Nick Lowe replied they were aware of this stipulation. Ken Rybkiewicz questioned if the garage is actually in front of the home. Upon review Clerk Bell said that the Land Use Code does not require the garage to be behind the residence in a 5-acre zone. Vice Chair Arnold questioned the length of the chimney on the plan as it appears to be a long parapet instead of a chimney. Nick Lowe said yes these are long as they are being used as a mechanical venting in addition to chimneys. Vice Chair Arnold asked about the proposed travel trailer site while the construction is underway. Nick Lowe said it would be near the back of the property and may only be a camper on his truck. Vice Chair Arnold asked what the FFE meant on the plans. Nick Lowe said finished floor elevation. Vice Chair Arnold asked if these three buildings would be individual permits or all combined. Chair Tyler said these buildings would all be considered as one permit, but the pool would be separate. Chair Tyler asked Nick or John if they had any comments to close. Nick Lowe asked about the benchmark. He said it is noted on the site plan but asked what was the normal way to figure this and mark it. Chair Tyler said an engineer marker would be greatly appreciated and could be used as a certificate of evaluation. Jane Brennan stated remember the area is being raised to get out of the flood plain. Chair Tyler said this footage will be added to the benchmark when figured.

Chair Tyler read Whereas, the application for a building permit for a new home, detached garage, and pool house accessory building located at 128 W Grafton Road (250 S), Rockville Utah submitted by John and Nancy Lowe is complete, and; Whereas, the following has been addressed and accepted by the Planning Commissioners, 1) All application fees are paid in full for this application. 2) A separate application must be submitted for a pool. 3) The pool house accessory building will have no water supply lines or sewer lines entering the building. 4) Compliance with the approved Flood Plain permit is adhered. 5) Compliance with the additional installation of a fire hydrant is adhered. 6) Compliance with the Southwest Health Department for septic is adhered. 7) No Easements are being violated. 8) Appropriate setbacks are observed, and; Whereas, this building project complies with the Land Use Code, and does not conflict with the Rockville General Plan, and does not conflict with the nature of the community, Chair Tyler **MOVED to** approve this application. Linda Brinkley **SECONDED** the motion.

VOTE ON MOTION:

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

The MOTION passed unanimously.

Clerk Bell stated that the building inspector had not finished his review of the plans and the permits will not be issued until then. She said the grading permit was issued and had been in the Office since last month's meeting if anyone would like to come in and pick it up.

5. CONSIDERATION AND ACTION ON A BUILDING PERMIT APPLICATION FOR A NEW HOME FOR SKYLAR AND DANIELLE DAVIS LOCATED AT 302 EAST MAIN:

Skylar and Danielle Davis were present for this request. Chair Tyler asked for a brief synopsis of the home. Skylar Davis said it will be a barn dominium and will be built right behind their current home. The actual building is a barn dominium with a bathroom built onto the back portion. Chair Tyler asked Jane Brennan to begin asking questions. Jane Brennan said she was unable to find the total square footage of the building. Skylar Davis said the main part is 40 x 50 for 2000 square feet and the bathroom is 10 x 15 added onto the back for another 150 square feet. Jane Brennan reiterated it is critical the entire square footage of the footprint be shown on the plans when submitted. She asked about the round portions in the building noted as bedrooms and asked if they are silos, as silos had been mentioned in a previous meeting. Skylar Davis said the silos are not being used but the bedrooms will be built as barrels, floor to ceiling. Ken Rybkiewicz then asked where the bathroom would be on the site plan. Skylar Davis said on the east side of the house and will not affect any setbacks. Ken Rybkiewicz then asked about a grading plan. Skylar Davis said it is being built on a flat parcel and will only need over excavation of 3' for the footings, with no other grading needed and will not raise the elevation. Vice Chair Arnold asked about air conditioning, as other devices are shown. Skylar Davis replied mini splits will be used for air conditioning and is shown only on the big plans. Vice Chair Arnold said he realizes a large amount of power is being used for this property. Is there an easement for power anywhere or for the transformer? Skylar Davis said no as it is private property only serving the property owners. He said it will be exactly like the building just constructed on the back of the lot for a barn but will have a higher eve height on the low end to allow for a loft inside. Andy Efstratis asked when the old home will be excavated (demolished). Skylar Davis said when the new home is finished the old home will be removed. The Commission reminded Skylar that a permit will be needed to demolish and remove the old home when they progress to that point.

Chair Tyler read: Whereas, the application for a building permit for a new home located at 302 East Main Street, Rockville Utah submitted by Skylar and Danielle Davis is complete, and Whereas, the following has been addressed and accepted by the Planning Commissioners, 1) All application fees are paid in full for this application, 2) Once construction has been completed on new house and sewer is attached, that the system will be immediately disconnected to the old house, 3) No Easements are being violated, 4) Appropriate setbacks are observed, and; Whereas, this building project complies with the Land Use Code, and does not conflict with the Rockville General Plan, and does not conflict with the nature of the community. Chair Tyler **MOVED** to approve this application. Vice Chair Arnold **SECONDED** the motion.

VOTE ON MOTION:

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

The MOTION passed unanimously.

Clerk Bell stated the building inspector had not finished his review and the Davis's will need to contact Washington County, as well as the Fire District, for approval and necessary fees paid, before the actual permit can be issued.

6. CONSIDERATION AND ACTION ON A BUILDING PERMIT APPLICATION FOR A NEW RESIDENCE FOR JACOB ANDERSON LOCATED ON PARCEL NO. R-1304 - GRAFTON ROAD:

Jeff Madsen, contractor, was in attendance with Jacob Anderson present on Zoom. Chair Tyler asked for a brief synopsis of this request. Jacob Anderson explained the home location is where a variance had been approved recently due to set back issues and hill slope. He said the lot is also in the floodplain with the floodplain permit in process. He said one thing to point out is the house is narrow due to setbacks and slope. The setbacks are less than required by Code, as was granted through the variance, making a really narrow wide home. Jane Brennan began the questions regarding the permit. She asked about the total square footage of the home as the numbers shown do not add up to the numbers stated. She said the footprint is considered the measurement of the

disturbed space. She said some of the numbers show living space and may not be the actual footprint. After much discussion and review there was no decision of total square footage determined. Jane Brennan asked the distance to the fire hydrant as it may need to be closer than shown. Jacob Anderson said he will follow what is required by the Fire Marshall and the home may need a tank or the fire hydrant closer. Jane Brennan said the Code requires an attached building must be connected by two of the following: a common wall, a continuous wall, a continuous foundation, or a continuous roofline. Jacob Anderson said it would be connected by a continuous wall, continuous foundation and possibly a roof line. He asked if the Commission would consider the roof as continuous since it is a slotted roof line.

Jane Brennan thanked Jacob Anderson for following the Code in the height of the building, keeping it less than 25'. Ken Rybkiewicz asked about foundation plans. Chair Tyler said the foundation plans were included in the larger scale plans but not the small-scale plans. Ken Rybkiewicz asked about the wall on the back and the setbacks. Jacob Anderson said it is a concrete wall just in case something falls down the steep grade. There was no retaining wall as they are not cutting into the hillside. Chair Tyler said the variance grants permission to build this close to sensitive land with these setbacks. Ken Rybkiewicz asked about a septic permit. Jacob Anderson said he has applied for the sewer septic permit, and it is in the process. He has been reviewing ways to build a smaller system and be able to reuse the water from it to irrigate. The modified Remco system plans have been submitted for approval. Ken Rybkiewicz questioned the location of the leach field, which would be where the driveway is. Jeff Madsen said the modified system has a smaller leach field and would not impact the driveway and is more environmentally friendly. Ken Rybkiewicz asked if the Commission approved of the lot space versus the size of the building as it is larger than normally allowed. Jane Brennan said the Land Use Code does not have a limit on percentage of property used only on accessory buildings and setbacks, but the variance addresses this. Ken Rybkiewicz asked if this is truly a residence and not commercial operation. Jacob Anderson said the realtor is aware this is a residence. Ken Rybkiewicz asked about the possibility of it being commercial as it shows a wine tasting room and a wine tasting permit had already been requested [permit requested last summer] and now, they are advertising free wine tasting. Jacob Anderson said the wine tasting is for an open house scheduled advertising the property, but not commercially. Vice Chair Arnold questioned again the size of the footprint does not add up and should be declared and cleared up. Jacob Anderson said each page shows the size of the room being shown. The overall footprint would be much less than Code. Vice Chair Arnold reviewed the variance dealing with setbacks and to ensure the rules of the variance were followed and the setbacks adhered to. All were followed. He asked about the wall in regard to Jane's question. Does it have a doorway between with a header? Jeff Madsen said yes it will be a lenthil [an overhead support for a doorway] a concrete wall. Vice Chair Arnold asked about installation and the R value. The Commission did find the installation and R value on a different map. Chair Tyler asked if the plans had been used elsewhere as pictures were shown inside the home. Jeff Madsen said these are the first time the plans have been used but the pictures are inspiration pictures to review. Chair Tyler said this wine room may be a game room with a wet bar. Chair Tyler allowed each Commissioner one more question. Jane Brennan asked if the foundation continued on into the wine room making it continuous. Chair Tyler said yes it does. As is the back wall with a large arched doorway. Jane Brennan asked if all the Commissioners felt this was a continuous wall. Commissioners agreed. Ken Rybkiewicz asked about a pool as many of the plans show a pool and is still planned. Jacob Anderson said yes, and they realized another permit is needed for the pool. Layney DeLange asked how they could ensure this home would not be used as an event center. Jacob Anderson said the Codes are pretty strict regarding an event center. Chair Tyler asked about the planned slatted roof connecting two of the buildings. Jacob Anderson said this issue was still undecided. Chair Tyler said currently there are two methods of connection with the continuous foundation and the continuous wall. Approval of the floodplain and approval of the septic permit will be required. Ken Rybkiewicz asked if the proposed septic system has been used elsewhere or is this experimental for this home. Jacob Anderson said the proposed septic system had been used many places as it can be done in a smaller space and is a lot friendlier

to the environment. Chair Tyler asked if Mr. Anderson or Mr. Madsen had any final comments. Jacob Anderson commented I guess my final thought is he understands there would be a temptation for this home to be more than a home, and if the zoning was different then he would probably build something that he could keep and do something different, however, he plans on retaining the vineyard and hope this will be a peaceful location. Jane Brennan asked about water for the home. Chair Tyler said the well permit was included with the application.

Chair Tyler read: Whereas, the application for a building permit for a new home located on Parcel R-1304, Rockville Utah submitted by Zion Holdings, LLC (i.e. Jake Anderson) is complete, and; Whereas, the following has been addressed and accepted by the Planning Commissioners, 1) All application fees are paid in full for this application, 2) A separate application must be submitted for a pool, 3) Final approval of Flood Plain permit is obtained, 4) Final approval from the Southwest Health Department for a modified upgraded septic is obtained, 5) Per Chapter 2 of the Land Use Code, section 2.2, Buildings, Attached; the "Wine" room complies by a continuous wall and continuous foundation and is less than 30 feet from the great room, 6) Actual square footage needs to be updated, 7) Appropriate setbacks are observed per the Variance decision made February 23, 2024 per Rockville's Variance officer Thomas Dansie. 8) No Easements are being violated, and; 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, Chair Tyler **MOVED** to approve this application. Vice Chair Arnold **SECONDED** the motion.

VOTE ON MOTION:

Ken Rybkiewicz – AYE

Jane Brennan – AYE

Linda Brinkley – AYE

Tim Arnold - AYE

Garth Tyler – AYE

The MOTION passed unanimously.

Clerk Bell stated approval is also needed from the Building Inspector.

7. **APPROVAL OF THE MINUTES FOR MAY 14, 2024, REGULAR MEETING.** Chair Tyler asked if there were any changes to the minutes for the May 14, 2024 regular meeting. No changes were made. Vice Chair Arnold **MOVED** to approve the minutes for the May 14, 2024 regular meeting. Linda Brinkley **SECONDED** the motion.

VOTE ON MOTION:

Ken Rybkiewicz – AYE

Jane Brennan – AYE

Linda Brinkley – AYE

Tim Arnold - AYE

Garth Tyler – AYE

The MOTION passed unanimously.

8. **APPROVAL OF THE MINUTES FOR THE MAY 14, 2024, WORK MEETING:** Chair Tyler asked if there were any changes to the minutes for the May 14, 2024 work meeting. No changes were made. Ken Rybkiewicz **MOVED** to approve the minutes for the May 14, 2024 work meeting. Vice Chair Arnold **SECONDED** the motion.

VOTE ON MOTION:

Ken Rybkiewicz – AYE

Jane Brennan – AYE

Linda Brinkley – AYE

Tim Arnold - AYE

Garth Tyler – AYE

The MOTION passed unanimously.

INFORMATION/DISCUSSION/NON-ACTION ITEMS

9. TOWN OFFICE REPORT: No report

10. PLANNING COMMISSION ADMINISTRATIVE BUSINESS:

- a. Next Planning Commission meeting will be July 9, 2024: Chair Tyler asked if all Commissioners would be in attendance for next month's meeting. Vice Chair Arnold said he may be out of town. All the others will be there.

11. ADJOURNMENT : Vice Chair Arnold **MOVED** to adjourn the meeting. Ken Rybkiewicz **SECONDED** the motion.

VOTE ON MOTION:

Ken Rybkiewicz – AYE

Jane Brennan – AYE

Linda Brinkley – AYE

Tim Arnold - AYE

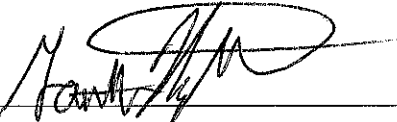
Garth Tyler – AYE

The MOTION passed unanimously.

Meeting Adjourned at 7:40 pm.

Minutes prepared by
Shelley D. Cox, Town Clerk
Town of Rockville

APPROVED



Planning Commission Chair

The foregoing was posted in the foyer cabinet of the Rockville Town Office by Shelley D Cox at approximately 9:00 AM/PM on Sept. 11 2024 on Rockville's Website and the Utah Public Notice Website.

