

# Rockville Planning Commission

## Work Meeting

### Rockville Town Hall

September 9, 2025 – 7:00 pm

**CALL TO ORDER – ROLL CALL:** Chair Rybkiewicz called the work meeting to order. **Planning Commission members present were:** Andy Efstratis, Time Arnold, Linda Brinkley, Chair Rybkiewicz, Jane Brennan and alternate Angie Frabisilio. **Clerk Cox was recording the minutes.** Chair Rybkiewicz then asked Vice Chair Jane Brennan to officiate the meeting as he was unable.

#### **DISCUSSION AND RECOMMENDATIONS FOR CHANGES TO THE LAND USE CODE IN REGARD TO CLARIFYING AND ADDRESSING CONCERNS**

Vice Chair Brennan said this meeting was to discuss possible areas in the Land Use Code that seemed hard to understand by the Commission or items in the Code they may not agree with. Vice Chair Brennan said she had been working on definitions. She said after the grading/excavation problem from last month's meeting she would like to add to the definitions and also to Chapter 5 addressing the grading/excavation process. She would like to add any excavation done for the purpose of a septic system of any type would need a grading/excavation permit approved by the Planning Commission. She said regardless of the amount of soil to be moved. The Commission discussed a flat fee for this without the yardage being included, possibly a flat fee of \$100.00. Angie Frabisilio questioned the grading of possibly a hillside or slope. The Commission then discussed the elevations changing for some septic tanks. Vice Chair Brennan said once changes are made to any portions of the Code they will be passed on to the Town Council to approve the various wording and/or forms. Vice Chair Brennan repeated so Chapter 5.6 would read: any excavation done for the purpose of a septic system of any type will need a grading/excavation permit approved by the Planning Commission. And then 5.6.1 would be: should elevation be changed post-excavation, a complete grading/excavation permit would also be necessary. As sensitive lands may be included in the area of the septic tank a different wording may be needed. The Commission agreed to work on specific language..

The next discussion was in regard to the definition of footprint of a building. Tim Arnold felt the definition used by the State of Utah should be used. The Commission discussed patio and non-livable space and if it should be included in the definition of footprint. Discussions in other meetings before has questioned footprint as single floor or does it include the additional upstairs for total square footage. Tim Arnold stated in State House Bill #10-9-A-534, it states that the dimensions of a home can't be limited. Vice Chairman Brennan asked how Towns then limit how small a house could be as many towns require a minimum square footage to dissuade tiny homes. Angie Frabisilio read from the State Code, (which was adopted in 2021) that a City may set minimum building footprints. It says, there are local ordinances that set minimum building footprints? And states yes, there are. She said this is typically set by the city or the county level, not by the state. Tim Arnold asked if this reference Angie Frabisilio quoted was dated before the State change in 2021. The Commission decided this issue should be carefully reviewed before any changes are proposed.

Vice Chair, Brennan, said the next topic is the height limit allowed in the Code. She said she feels due to the graph in the Code book it is hard to understand. If the graph was removed the discussion would then be how to determine the height of a building. She said it seems people are confused about this definition, and it would help clarify height requirements. Tim Arnold read the State definition regarding height: "The height of a building shall be measured vertically from the established benchmark elevation, defined as the approved finished grade at the lowest point of the building perimeter, at the time of final construction, to the highest point of the roof structure, excluding chimneys, antennae, and similar projections. Vice Chair Brennan said the benchmark definition also seems to cause confusion. The Commission discussed the various types of grades, such as final grade, design grade, pre-construction grade, engineered grade,

post-construction grade, and approved grade. Tim Arnold read the definition as listed in other considerations online: "The height of the building shall be measured vertically, from the established benchmark elevation, defined as the approved finished grade, at the lowest point of the building perimeter at the time of permit issuance to the highest point of the roof structure, excluding chimneys, antenna, and similar projections. Vice Chair Brennan noted at the time of the permit issuance. Tim Arnold was asked to revise this definition and delete the word at permit issuance, which he agreed to do.

Vice Chair Brennan asked if anyone else had suggested changes to the Code Book. Tim Arnold said he would volunteer to index and reference where the definitions reference are in and which Chapter they are referred to, once the revisions are made.

Tim Arnold said in the phase "grandfathered in" the date is what needs to be submitted and should be reviewed. If an application is referring to "grandfathered in" it needs to be noted when it was previously approved. Then the Code could be reviewed to see what was allowed at that time. The Code references may change and the dates listed for the changes are noted. This would ensure the application at the time of approval was correct.

Andy Efstratis said he would like the building permit to have a reference location for the requirements. He said this would allow anyone reviewing application to be able to find where it is in the plans. He said the building requirements list could have a line to the side noting the location. Vice Chair Brennan said this would put more accountability on the owner or contractor to ensure everything was included in the first application. Andy Efstratis also requested an overhead projector be here for public meetings to allow everyone to review paperwork in a larger format and include those in attendance to see what is being talked about. The applicants on building plans are required to submit a digital copy, which are forwarded to the Building Inspector and the Fire Marshal for review, which could be used on the projector. Clerk Cox said the Town has a projector and this could be tried at next month's meeting. The Commission asked Andy Efstratis to complete both these issues and bring them back to the Commission. Andy Efstratis agreed to do this.

Angie Frabisilio said her concern is the wording that had been in the Code referring to "cookie cutter homes". This is used when referring to a developer should they wish to use the same plans and style though out the subdivision. Angie Frabisilio said maybe change the wording to tract housing instead. Vice Chair Brennan said this wording is used in the definition part of the Code. Tim Arnold said the State Code may address what a municipality can require for homes such as color, style, type, exterior, roof style, pitch or materials. This should be researched before adopting changes.

Angie Frabisilio's next concern was the minor subdivision form being used. She felt the property owners' signature should be included on the plans submitted. Vice Chair Brennan agreed and that the signature should be notarized. She said this form along with the State Subdivision mandate on Subdivisions is new to the Town and there may need be changes to clarify issues. Angie Frabisilio said she is uncomfortable with just the non-owner signing the application and maps. Someone could do a minor subdivision on another person's property without their knowledge. She suggested a line be included requiring a notarized signature of the property owner when the application is submitted. Angie Frabisilio asked how can a property owner sell of a piece of property without first subdividing it.. Vice Chair Brennan said she felt uncomfortable with the non-owner doing the paperwork for the subdivision. Chair Rybkiewicz said he felt the same way with the non-owner doing the paperwork for the subdivision. Tim Arnold said a representative could be designated, as done for building permits when a contractor represents a building owner. It should be done properly and legally and needs to be written and notarized. Chair Rybkiewicz said this would allow the Planning Commission to protect the property owner, (the seller) and the buyer. He said logically the property owner should be doing this before the property split. Vice Chair Brennan said this would allow us to set the process up properly. Since this is a State Mandate Clerk Cox will check with Mike Hansen, the State appointed company, to help the Town adopt the new law and he also

provided the forms. He could check to ensure adding the Property Owners notarized signature on each page or a power of Attorney is proper and then the Town can move forward.

Tim Arnold said his concern is that many things are done before approval is given, such as septic tanks being installed, and then asked for approval. He said currently the penalty is double the permit fee, but some things are such minimal fees it is nothing compared to the overall cost. He said he would like the penalty to be substantial. Vice Chair Brennan said with the revision proposed for septic tanks the residents will not need to measure yardage on dirt, as it will be mandatory for all septic tanks. Tim Arnold said a Code Enforcement Officer has been hired and should be used for these types of things. He said he is not just referring to the excavation/grading permit dealing with septic tanks, but all the required permits not applied for before proceeding. The septic permitting from Southwest Health Department now requires a letter from the Town regarding the density of septic tanks in that area before they issue a permit to a property owner. Tim Arnold said he feels the Town needs to be more stringent on requirements and monitoring.

Tim Arnold said another issue would be identifying the front of the property when dealing with setbacks. His front door of his house points to the road, but the entrance to the house is on the side of the home. It says this can affect setbacks when building. He said the Code also says an accessory building must be set back 10' from the front of the home. The Code defines it as the home facing the roadway. He said he would recommend 5' set back on accessory building per side. Tim Arnold was excused at 7:30 pm.

Clerk Cox asked about conditional permits. The Code says a home occupation permit requires a conditional use permit. At this time the Planning Commission has allowed a home occupation/home business license by approval, not mentioning the conditional use permit. The chart in Chapter 8 addresses permitted uses and conditional use permits. Vice Chair Brennan stated in section 8.23 of Chapter 8 addresses this and changes may not be needed. She said during one of the Public Officials training the trainer presented if a request is made that does not fit the Code then the Code should be changed not issued a conditional permit. Conditional permits are for when an exception is requested by someone to the Code, which goes against the Code.

Vice Chair Brennan said if there are parts to the Code you do not like write it down and bring it up at the next work meeting. Also parts you may not understand that need to be reworded, write it down. This will provide issues we will work on. Vice Chair Brennan said when an issue is found an email could be sent, but remember we cannot email everyone as that would be a discussion reserved only for public meetings,

Vice Chair Brennan **MOVED** to adjourn the meeting at 7:55 pm. Linda Brinkley **SECONDED** the motion.

**VOTE on Motion:**

**Andy Efstratis – Aye**  
**Linda Brinkley- Aye**  
**Jane Brennan- Aye**  
**Chair Rybkiewicz-Aye**

**MOTION PASSED**

Planning Commission Chair ~~Ken Rybkiewicz~~

Minutes prepared by

*Shelley D. Cox,*  
Town Clerk

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Shelley D. Cox Town Clerk

