

Rockville Planning Commission
Regular Meeting
May 12, 2026
6:00 pm

1. **CALL TO ORDER – ROLL CALL.** Chair Arnold called the Rockville Planning Commission regular meeting to order at 6:00 pm. Planning Commission members in attendance were Tim Arnold, Linda Brinkley, Jane Brennan, Layney DeLange, Angie Frabasilio and alternate Skyler Davis. Town Clerk Shelley D. Cox recorded the meeting.
2. **PLEDGE OF ALLEGIANCE:** Chair Arnold led the audience in the Pledge of Allegiance.
3. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM.** No conflicts were declared.

PUBLIC COMMENT: No comments were made.

4. **DISCUSSION AND ACTION OF A RESIDENTIAL BUILDING PERMIT AT 115 S. BRIDGE ROAD-KEN RYBKIEWICZ:** Chair Arnold invited Ken Rybkiewicz to present his request for a new home at 115 South Bridge Road. Chair Arnold said he had a discussion **with** Ken Rybkiewicz about this application and wanted to make it public. Chair Arnold said according to our Rockville Land Use Code, Section 8.23.4, Wetlands and Water Courses, the setbacks on Ken Rybkiewicz's existing plan would not fit into the Land Use Code because he has two watercourses affecting his property. One is the Virgin River on the South side of the property and the other is the Wash located on the backside of the property to the East. Chair Arnold said also in the Code, and he did make Ken aware of this, the setbacks are different when wetlands are nearby. He then read the portion of the Code pertaining to the setback, stating the required setbacks from a significant wetland or significant watercourse may be modified on a site-specific case-by-case basis by a certified professional who verifies that the lesser setback does not pose a risk to the property owner nor to the environment. Chair Arnold said Ken Rybkiewicz had used Rosenberg for the geotechnical study and perhaps if Ken spoke with them, they may be able to help with this issue and provide the additional paperwork. Chair Arnold said this paperwork is different from the geotechnical study that listed anything to do with the river or that water course. He said this would need to be done before the permit could be issued. He said the Commission can review this permit request to see if there is anything else needed. Chair Arnold said he had reviewed all the paperwork earlier to see if anything else was missing. He said just to let the Commissioners know the permit may be approved tonight contingent on any additional paperwork being submitted that might be missing. He said he had spoken with Ken Rybkiewicz earlier and wanted this issue to be discussed publicly.

Clerk Cox said the Flood plain permit has been approved. Ken Rybkiewicz apologized that he did not provide 11" by 17" copies of the correct plans for the Commissioners to consider, however fundamentally, on the home, the plans are the same. (Previously Ken Rybkiewicz submitted plans but when reviewing them at a later date he found he had submitted the incorrect plans. He then submitted only 2 copies of the 24"x36" and did not submit any smaller copies) He said he had the architect beef up the 24" by 36" versions and they both reviewed the application with a fine-tooth comb to ensure they were correct. The site plan does show the benchmarks as Jane Brennan always checks. Layney DeLange asked on the plans it has two (2) different lines on the river map and why? And how different are the setbacks compared to the floodplain? Chair Arnold explained one line on the map is the floodplain. Angie Frabasilio said she did not see a legal description submitted, but it may be on the new plans not presented. Ken Rybkiewicz said he submitted the legal description on the first set of plans directly from the County website showing the record of survey. He said he had the property resurveyed. The map shows the lot and block shown. Angie Frabasilio also asked about water. She asked if the ADU section is separate from the house or can you do it all together as it is an interior ADU and it's legal. Jane Brennan said the ADU is legal but if it is rented to someone other than his son he would need to apply for a permit for it. Chair Arnold asked if the property is being raised for the floodplain. Ken Rybkiewicz said yes but he wanted to save the tree in the yard, and then he needed room for a septic tank, so the footprint is going to be very much similar to the old plans. He said the area of disturbance is going to be where there is a building and indicated all spot elevations shown hit those grades.

Layney DeLange asked where Ken Rybkiewicz would be living during construction. Ken Rybkiewicz said he had planned on living in the trailer currently onsite until the home was completed but in reviewing the septic tank location and the change in elevations that are needed it will not allow the trailer to stay there. If he decided some way to allow an RV during construction, he will request permission then. The Commission asked about the height of the home as it is not shown. It can be figured out but needs to be shown on the permit application paperwork. Ken Rybkiewicz said it is actually 24 feet, 2 1/2 inches high. Angie Frabasilio asked if the Fire Marshal had approved the plans. Clerk Cox said the Fire Marshal approval has been given. Ken Rybkiewicz said he is working on a septic tank permit but received news from the Health Department today

that the reason why there has been no approval is the current system was installed without any details or locations listed on the previous permit recorded in the 1970's when that trailer was installed and just noted a septic tank was installed. He said there was no health department in 1970. He is not using the existing system but installing an entirely new septic system and removing the old tank. He said he is unsure of the capacity of the new tank. Layney DeLange asked why Mr. Rybkiewicz is not connecting to the sewer system. Ken Rybkiewicz said he would need a lift pump to connect to the sewer as well as tear up Bridge Road. Chair Arnold said it is not a requirement to connect to the sewer system at this time if it is cost prohibitive and then required only if you're within a certain distance from the main road, from the main sewer, and mostly on the North side of the river closer to the sewer line. Ken Rybkiewicz said he is downhill from the sewer line and it would be hard to connect to the system. Angie Frabasilio asked if the new sewer application was included in this building permit application or are they separate. Chair Arnold said it would all be done at the same time. Currently the Town of Rockville has provided a letter to Southwest Health Department (with the septic density study being adopted by the Town, all septic permits must have a letter from the Town stating it falls within the number allowed) allowing Ken's permit to move forward.

Jane Brennan said this would fit the criteria for a IADU (interior accessory dwelling unit) as it is within the footprint of the house. It must be attached by 2 of the 4 criteria of: 1. a common wall 2. a continuous wall, 3. continuous foundation, 4. or a continuous roofline. A patio or walkway connecting the two buildings wouldn't be enough. Since it is a shared entry corridor, it's part of the building and counts as attached. She said this home is actually an 1922' footprint and would need to be noted should the owners ever request to add on.

Skyler Davis said he had gone over earlier and talked with Ken about his concerns about the excavation and site questions he had and he thinks Ken had answered all his questions. He asked, however, he did have a question for Jane, just to clarify, so he has more knowledge. He asked when Ken Rybkiewicz moved in, why do we need to know who's living there. Chair Arnold said that information would be required if Ken was going to rent it out the IADU. Ken Rybkiewicz asked if he could rent his main house and not apply for a permit. Chair Arnold said because it's an IADU, he would need to get a permit if renting out any of the home to someone else. Jane Brennan said if Ken Rybkiewicz were to rent out the entire house long term, he would not have to get a permit. However, if he rents a non-shared space, he would need a permit, as it is viewed as an IADU. Jane Brennan said that if a close family member lives with Ken, it is not considered an IADU, as it is not being rented out. Ken Rybkiewicz said because an IADU is a long-term rental, he thinks it's a little invasive requiring who is renting there. Jane Brennan said the State Code allowed the Town to pass, in fact, insisted that the Town pass a IADU ordinance, as you might remember, because you were on the Planning Commission. Ken Rybkiewicz said he is asking for clarity as well on this issue. Jane Brennan said this was done because our State Code asks the Towns to have a registration for an IADUs. Ken Rybkiewicz asked why when you are renting, and have designated the apartment above, is this permit required. Chair Arnold said the definition for the IADU is renting a portion of your house. So, if you want to live in the IADU and rent the other one, you would still need to get the permit for it. Jane Brennan said the difference is, of course, non-shared space. It's different than if you had your son living in your spare bedroom and you both hung out in the kitchen together. That's shared space. But since this is a separate apartment and written as an IADU, it is a non-shared space. So if you rent it out, you need to go through the Town and get the permit for that as per Town Code says, and also what the State Code pretty much insisted that the Town do.

Ken Rybkiewicz said he has some questions based on a point brought up earlier. He said the Town is who issues the building permit, correct? He asked who would be issuing this new permit or this new study that needs to happen as it's in our Land Use Code and shouldn't the Town issue the new required paperwork. He questioned where Chair Arnold read the Code from to us all earlier? Jane Brennan said yes, it was from the Land Use Code. Chair Arnold said the question is the wetlands, which is addressed in section 8.20.3.4.6. Ken Rybkiewicz said it's a dry wash next to the Virgin River that our irrigation water flows down when they divert it and is called Cemetery wash. Chair Arnold provided Ken Rybkiewicz with the printout of the Code. Ken Rybkiewicz said since the Town issues said permit, so what study needs to happen in order to issue this permit? Chair Arnold again referred him to Section 8.20.3.4.6 where it states all wetlands and water courses in the sensitive lands overlay zone is regulated and provided here and are subject to the jurisdiction of this Code. It requires that the definition of the boundaries of the wetlands shall be established using the current federal manual for identifying and delineating jurisdictional wetlands and jointly published by the US Environmental Protection Agency, the US Fish and Wildlife Service, the US Army Corps of Engineers, and the US Conservation Service, which is they determine where the edge of the river is. So, the Town would need paperwork, usually through an engineer, noting specifically the setbacks from a significant wetland. Ken Rybkiewicz asked why the Town could not do that. Chair Arnold said no, an engineer has to provide the report stating it is safe for you to build there, meaning safe for you and your building and will not adversely affect you nor the Town. Ken Rybkiewicz said the floodplain permit covered that issue. Chair Arnold said the floodplain permit only states what is the required elevation for you to build a home on. This report needs to state that it is

safe for the environment, and the homeowner. The Planning Commission must follow the Town Code which requires this paperwork. He said this home is within 100 feet of the river and also has a wash less than 100 feet from the home setback. So according to the Town rules, the setbacks to any river must be 100 feet away from the river. Anyone would be required to be 100' from the river. Ken Rybkiewicz said none of the houses on Bridge Road comply with that setback. Chair Arnold said those home may have been built before this was required in 2011 or 2012, and if they were built before then they are excluded. But every permit is required to follow the Code when they are built. Not previous Code nor possible future Code. Ken Rybkiewicz said again just for the record his adjoining neighbors are both within that same criteria and have newer homes. Chair Arnold said he was unsure when the other homes were built but if they were to build something new right now, they would be held to the exact same codes. Ken Rybkiewicz said one was built in 2011. Chair Arnold said maybe at that time they were required to have this report. He said he has not researched how far back the Code was enacted nor who built when or where. Chair Arnold said since Ken Rybkiewicz used this engineering company for geotechnical information, he may be able to talk to them about this additional requirement. Chair Arnold said there are two things needed. One is exactly where the high-water marks are for the river and the wash behind the home, as that determines where the boundary starts for your setback. He said this is not the property line. Ken Rybkiewicz said the floodplain uses the high-water mark as the hundred-year flood mark. He said his yard is not a wetland. Chair Arnold said an engineer needs to determine where that line is specifically as this starts your 100-foot setback. If an engineer states that it's not dangerous to the environment and not dangerous to you as the homeowner, we can then accept the building plans. Ken Rybkiewicz said that's the point of the septic permit is what would be the danger to the environment is a septic system. That is what Southwest Health Department has already said is that he is in compliance. Jane Brennan asked if the Planning Commission felt comfortable with the same engineer providing the paperwork who did the geotechnical study. Chair Arnold said the Code states the Town must approve of the engineer being used for this paperwork. Ken Rybkiewicz asked if the Town is enforcing this on him and everyone? Chair Arnold said yes, every builder must follow the Code at the time the permit is requested. Ken Rybkiewicz said he used two different engineering firms, GTS did the soils test, and Rosenberg for the flood plain permit. Chair Arnold said according to the Code, it states an engineering company. Jane Brennan questioned that the Town must choose the engineering company. Chair Arnold said as stated the Town just needs to approve the company being used. Jane Brennan asked the Commissioners if they approved of Rosenberg as Ken has used him already? The Commissioners agreed. Ken Rybkiewicz clarified that all that is needed is a letter stating he is not impacting anything. Chair Arnold said all the details required are listed on the paperwork he provided Ken. Jane Brennan said this should be attainable as the paperwork states the requirements and will not require the engineer to study the entire Chapter 8 in the Code. Chair Arnold asked if there were any other questions. None were asked by the Commission. Ken Rybkiewicz stated he wanted to address this issue on record as he felt this had already been covered in the other required permits and paperwork that were done. Chair Arnold noted the comment.

Ken Rybkiewicz stated he had a discussion with the Fire Marshal regarding residential sprinklers. Clerk Cox said the Fire Marshall sent a one-line approval letter stating the plans were approved. Chair Arnold told Ken Rybkiewicz to check with the Fire Marshall about this issue.

Chair Arnold **MOVED**, Whereas the application for a building permit for a new home located at 115 South Bridge Road, Rockville, Utah, submitted by Ken Ribkowitz is complete. And whereas the following has been addressed and accepted by the Planning Commissioners when the following have been received by the Town of Rockville, per section 8.20.3.4.6, upon receipt of a certified professional verifies that the lesser setback does not pose a risk to the homeowner nor the environment. #2, approval from the Southwest Health Department for the septic system permit. And the applicant is aware of his responsibility to notify the building inspector when inspections are due and before proceeding and the cost of any extra inspections, however many are required, will be added to the permitting fee. Whereas this building permit complies with the Land Use Code and does not conflict with the Rockville General Plan and does not conflict with the nature of this community, I move we approve this application. Layney DeLange **SECONDED** the motion.

VOTE on Motion:

Tim Arnold – Aye
Angie Frabasilio-Aye
Layney DeLange-Aye
Linda Brinkley-Aye
Jane Brennan- Aye

Motion Passes

5. DISCUSSION AND ACTION OF WHETHER A CODE VIOLATION EXISTS ON AN ACCESSORY

BUILDING-225 EAST 75 SOUTH-CAMILLE DAILEY Chair Arnold invited the Dailey's to explain their request/questions. Dan Dailey stated they own the property at 225 E. 75 S. here in Rockville and had received some letters from the Town regarding two buildings being lived in at that location. He said they wanted to come and talk to Commission and give an update on what's going on at that location. He said he and his wife are moving into the home, hopefully before July 1, 2026, and it will just be the two of them. The letters received indicated a fine would be assessed beginning on May 1, 2026, but then since they applied to appear before the Planning Commission that date was stayed until June 1, 2026. Mr. Dailey said they would like to figure out a resolution showing they are complying. Chair Arnold thanked Mr. Dailey for being in attendance and thanked him for taking this matter seriously. He said the Town is trying to ensure everyone is following the Code. Chair Arnold reminded the Commission of the letters that were sent to the Dailey's stating basically it comes down to there are two buildings being lived in on the property. He said in the past and according to the Land Use Code, there cannot be two livable spaces on the property unless they're joined. Dan Dailey said yes, that is what the letters indicated. Chair Arnold said he had done a site visit and met with the Dailey's on the property, and there's no way to connect the two buildings. Dan Dailey replied that the main home is a big building. Chair Arnold said this leaves, in his estimation, two options, which is the smaller building cannot be lived in. No one can live in that space. It could be used for an office, or different things, but not lived in. Or it could be removed completely from the property. He said the other problem is that currently there is water in that building. He said he understands there have been issues with when the water was installed, when it was not put in, and that it had been disconnected by a plumber contacted by the Pipeline Company at one time. Dan Dailey said when they purchased the property in December 2020 there was water in both buildings and a tenant living in the rock building, as a tidbit of information. Jane Brennan agreed that this issue was continuing from previous owners. Even in the property listing when it was for sale it was noticed as a Casita, which the Town acted on to correct. Over the course of years since 2005 this had been addressed multiple times beginning with Julie McKown, who added the plumbing herself. At that time, she approached the Planning Commission for approval as she had made an unpermitted improvement. At the time, she wanted to add on to the main home and there was an issue about setbacks. Then things changed to the smaller little rock house. And at the time, she was living on the property in a double-wide mobile home. She did move the mobile home and build her new home in approximately 2010. When Julie McKown requested her certificate of occupancy for the new home it was required the water be disconnected from the rock home. The Pipeline Company were the ones that had a plumber cut the line to the rock home to ensure it was done and done correctly. Since that time, it has been reconnected illegally. Jane Brennan said it was made quite clear to Julie McCowan that this rock home was not an appropriate livable space as our Code allows one house per parcel and the water company allows only one house per water connection. In researching this issue Jane Brennan did find in the notes of the August 9th, 2005 meeting that Julie was told that Rockville only allows one dwelling per lot. And noted there are two existing structures on the property, which were there before Rockville's incorporation and are considered pre-existing non-conforming uses. But when this status is changed by removing one of the houses, which she did, to improve the brand-new big house, the lot is now conforming, and another building is not allowed. The existing small structure can remain there, and Ms. McKown could build a home, but the small structure cannot be there if it is used for sleeping quarters. Ms. McKown was very interested in preserving the rock building because it's a neat old building, which would be fine as long as it's used as a workshop without water, an office without water. Jane Brennan said electricity is allowed, but water is not, and living in it is not allowed either.

Dan Dailey said they bought the property in 2020 and have been waiting to move in until the kids graduated school as they did not want to transfer. Their last son is graduating this year, and they are now planning to relocate here. They have had renters there full-time. They had rented the entire property and understood as long as they rented the entire property they were allowed to live anywhere on the property. Now it will just be the two of them living there and the renters will be gone. Jane Brennan said even renting the entire property would not allow the two buildings to both be lived in. She said keep in mind this issue being discussed is about the pre-existing non-conforming use, not the building itself. The building can stay, but its use as a residence is not allowed. Dan Dailey asked if they are not using it as a residence and it's not being rented, are they now in compliance with the Town requirements. Chair Arnold said he had talked to the Dailey's before the meeting and asked the Commission for input, if he shuts off the water to that house do they feel that the Dailey's would then be in compliance? Layne DeLange asked if the Code states how the water must be shut off. Chair Arnold said there is nothing in the plan that says how it's shut off, it just says it needs to be shut off to the additional house. Layney DeLange asked if that meant simply turn it off under the sink. Jane Brennan said no the water must be turned off outside before going into the rock house, shutting it off for the entire building. Dan Dailey asked if he could get the paperwork dealing with how it was shut off in 2007. Jane Brennan said the paperwork would be from the Rockville Pipeline Company, which is separate from the Town. She said she spoke to Rob Schneider (Rockville Pipeline President) today, and Shirley Ballard, who was the Planning Commission Chair during this time, and also to Sharon Hatfield, who was a Planning Commissioner at this time, and they all confirmed that the water was disconnected. Jane Brennan said she has a rock house

on her property and before they could get the certificate of occupancy, somebody came and looked and made sure the water was turned off as they would be using the water connection in the main house. Dan Dailey asked if there was a procedure of somebody coming onto our property and actually physically inspecting it to verify it was done, or do you want us to show you that it's done? Jane Brennan said she feels better if someone verified onsite that it was off. Chair Arnold said he would be willing to inspect it, with the Dailey's permission to verify the water was off. Skyler Davis said he thought that when the Dailey's said it was off they could be trusted. Jane Brennan said trust has gotten the Town into a lot of trouble in the past. Layney DeLange asked if the tenant that was living in the rock house previously was gone. Dan Dailey said when they purchased the property, someone was living there full time. They assumed it was allowed. He said since the realtor did not disclose it was not allowed they could take legal action against the realtor and/or the previous owner but would rather just work it out with the Town. Dan Dailey said they rented the property as a whole, per the Town requirements as a long-term rental. Chair Arnold clarified that although the entire property could be included in one rental only one building may be lived in. He asked when would the Dailey's be occupying the property? Dan Dailey said they are hoping the first of July is what they are shooting for.

Chair Arnold said as the Planning Commission, a letter was sent to the Dailey's to rectify the situation by June 1, 2026 is the Commission willing to extend that the deadline date until the 1st of July for the Dailey's to remove the water to the rock house? Chair Arnold said he is willing to go meet with the Dailey's and verify the water being disconnected and sign off.

Jane Brennan said she would like to start some sort of periodic inspections for the houses like hers to ensure the water is disconnected from the prior house, since there has been so much trouble from allowing second houses on a property with the promise to disconnect the water. Chair Arnold stated that before that is done it should be put into the Land Use Code. Jane Brennan asked Mr. Dailey if someone could come by in a little while with notice after the first inspection, once you get settled to ensure the water is still off to the other home? Dan Dailey said with notice, he has no problem with that, as they are not trying to be complicated although it seems kind of ridiculous what you guys are requiring. He said obviously, if we were renting it out, I could see that review for long-term. He said it is just two of them and they were thinking of turning the rock building into an art studio, which obviously needs water. So now not having water really limits to permitted uses that they are able to use it for and defeats the purpose of actually owning it. Angie Frabasilio said you can have water to the outside of the building, it just can't enter into the building. A sink could be located outside. Chair Arnold said this issue would not need a motion as this was only a discussion item.

Chair Arnold said he would provide a new letter stating what was discussed tonight and the new date deadline. They can then talk about it and arrange a time to verify the water disconnection.

6. **APPROVAL OF THE MINUTES FOR APRIL 14, 2026, REGULAR MEETING & WORK MEETING:** Jane Brennan **MOVED** to approve the minutes from the April 14, 2026, regular Planning Commission meeting along with the minutes from the Work meeting on the same date. Layney DeLange **SECONDED** the motion.

VOTE on Motion:

Tim Arnold – Aye
Angie Frabasilio-Aye
Layney DeLange-Aye
Linda Brinkley-Aye
Jane Brennan- Aye

Motion Passes

Information/Discussion/Non-Action Items.

1. **PLANNING COMMISSION REPORT**-Chair Arnold reminded the Commission the next meeting will be held on June 9, 2026. He said as a reminder next month there will be another discussion just like Dailey's with the issue of the accessory dwelling being lived in.
2. **TOWN OFFICE REPORT:** Clerk Cox reported there were 2 simple building permits issued this month. The first one was for a carport for Joe Motter at 271 S. 200 E. Bridge Road and the other one for a power pedestal for Tracy Dutson at 368 West Main. They were both reviewed by Chair Arnold and the Building Inspector, and were approved. Jane Brennan asked for more information on the Tracy Dutson power pedestal. Clerk Cox said Tracy Dutson is requesting a power pedestal on his property at 368 West Main to allow a hook up for a trailer. He is aware of the Town rules of only 15 days per 6 months to occupy a trailer. He does not have

power to the silo that is there now, but this will give him a power pedestal to use. He is also aware the power is for temporary use, and no one can live there full time or permanently. The silo that is now on the property had been his office when it was located on the adjacent property. He does realize this cannot be used permanently.

3. Motion to Adjourn: Chair Arnold asked if there were any other questions or comments. None were made.

Layne DeLange **MOVED** to adjourn the meeting at 7:00 pm. Jane Brennan **SECONDED** the motion.,

VOTE on Motion:

Tim Arnold – Aye
Angie Frabasilio-Aye
Layne DeLange-Aye
Linda Brinkley-Aye
Jane Brennan- Aye

Motion Passes

Minutes prepared by
Shelley D. Cox
Town Clerk

APPROVED



Planning Commission Chair/Vice Chair

Attest:



Shelley D. Cox-Town Clerk

The foregoing notice was posted in the cabinet of the Rockville Town Office by Shelley D Cox at approximately 9:30 AM/PM on 6-10-26, on the Rockville website and the Utah Public Notice website. Emailed to The Spectrum 6-10-26



Shelley D. Cox-Town Clerk