

**Rockville Planning Commission
Public Hearing and Regular Meeting
Rockville Community Center - Town Hall
June 11, 2019 – 6:00 pm**

1. **CALL TO ORDER – ROLL CALL** – Planning Commission Chair Joyce Hamilton called the meeting to order at 6:00 p.m. The following members of the Rockville Planning Commission were present: Bergen Meyer, Cheryl McGovern, Linda Brinkley and Joyce Hamilton. Jane Brennan was excused. Town Clerk, Vicki S. Bell, recorded the meeting.
2. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM** – No conflict of interest was declared.
3. **PUBLIC COMMENT** – Shirley Ballard thanked the Commissioners for serving and expressed a desire for the Town to maintain the rural, agricultural nature of our community.
4. **CONSIDERATION AND POSSIBLE APPROVAL OF AN APPLICATION FOR A HOME OCCUPATION PERMIT FROM JESSIKA JACOBS FOR JESSIKA JACOB ART AT 140 EAST 250 SOUTH, ROCKVILLE** – Jessika said she's painting pictures out of her head on canvas and selling them on her website. Chair Hamilton asked if the buyers came to her home to purchase the art and Jessika responded no. Chair Hamilton asked how she got the art to her buyers and she responded that she shipped from the Springdale or LaVerkin post office. Chair Hamilton asked if she had any employees and Jessika responded no. Chair Hamilton asked if she used any machinery to make her art and Jessika responded no. Chair Hamilton asked how she received her supplies and she said she went to Michaels and purchased them. Chair Hamilton asked her to confirm that she understood no exterior display or signage would be allowed, and Jessika responded yes, she does not want them to know where to find her anyway. Cheryl asked if Samantha Duffy was the owner of the property Jessika lives in. Jessika responded Samantha is her landlord. Samantha's grandma owns the property.

WHEREAS, Jessika Jacob's application for a home occupation for an art sales business out of her home complies with the Rockville Land Use Code in that the use is consistent with and does not compromise the General Plan and is compatible with the residential character of the neighborhood, Chair Hamilton, therefore, **MOVED** to approve Jessika's home occupation application. Linda Brinkley **SECONDED** the motion.

Cheryl asked about the business license and Chair Hamilton responded the business license is handled in the office.

VOTE on motion:

**Bergen Meyer – Aye
Cheryl McGovern – Aye
Linda Brinkley - Aye
Joyce Hamilton – Aye**

The motion passed unanimously.

5. **OPEN PUBLIC HEARING FOR PUBLIC COMMENT ON AN APPLICATION FOR A SUBDIVISION – PRELIMINARY PLAT SUBMITTED BY TYDON OLER AND JACOB ANDERSEN FOR A MAJOR SUBDIVISION OF APPROXIMATELY 11.44 ACRES AT 490 EAST MAIN STREET (SR-9) INTO FOUR (4) PARCELS** – Linda Brinkley **MOVED** to open the public hearing. Bergen Meyer **SECONDED** the motion.

VOTE on motion:

**Bergen Meyer – Aye
Cheryl McGovern – Aye**

Linda Brinkley - Aye
Joyce Hamilton – Aye

The motion passed unanimously.

Chair Hamilton announced the meeting was now open for public comment on an application for a subdivision, a preliminary plat submitted by Tydon Oler and Jacob Andersen, for a major subdivision of approximately 11.44 acres at 490 East Main Street into four parcels.

Shirley Ballard said she went to the office and looked at the plans. She said the division is of FIVE Parcels, not FOUR. Chair Hamilton suggested you could say six parcels since there's two remnants. Shirley said the fifth parcel does not have access at this time, and she's concerned about that.

Bernadette Cole said culinary water used to be a limitation and she wants to know if irrigation water can be changed into culinary water, how can she do more research on that. Chair Hamilton said she, herself, had talked to the Utah State Department of Water Rights.

Linda Brinkley **MOVED** to end public comment. Cheryl McGovern **SECONDED** the motion.

VOTE on motion:

Bergen Meyer – Aye
Cheryl McGovern – Aye
Linda Brinkley - Aye
Joyce Hamilton – Aye

The motion passed unanimously.

6. **CONSIDERATION AND POSSIBLE APPROVAL ON AN APPLICATION FOR A SUBDIVISION – PRELIMINARY PLAT SUBMITTED BY TYDON OLER AND JACOB ANDERSEN FOR A MAJOR SUBDIVISION OF APPROXIMATELY 11.44 ACRES AT 490 EAST MAIN STREET (SR-9) INTO FOUR (4) PARCELS** – Tydon Oler said the Utah State

Supreme Court addressed changing irrigation water to culinary water in a ruling in 2011. The State of Utah followed up with legislation to confirm that ruling in 2013 he thought. Regarding Shirley's concern, Chair Hamilton asked if Tydon would be willing to dedicate the remnant parcel R-162 to a public or common use? Tydon said no. Chair Hamilton asked his intent with that parcel. Tydon said he intended to continue to own the parcel. Chair Hamilton asked if he would consider combining that with the existing parcels and he said no. Chair Hamilton asked if he intended to develop the parcel in the future and he responded he would like to have the option to develop it at some point in the future.

Cheryl said it appears much of the property is in the flood zone and Tydon agreed. She asked about "showing the maximum drainage flow". Tydon responded he did a study in 2013 through Rosenberg on that channel. Cheryl asked about the two livable structures. The application asks that you show all existing utilities, which are shown for the large metal building, but not for the small cabin. Tydon asked if they would be permitted to relocate it. Chair Hamilton said it could be relocated, but it would lose its legal non-conforming use. Tydon said they'd probably just tear it down if that's the case.

Chair Hamilton asked why the culinary water line runs all the way across the subdivision. Tydon responded probably because the engineer just naturally assumed future development on the adjoining parcel. Tydon said there was no other intent than potential future development. Chair Hamilton asked how far they were planning to develop the property. Tydon said they only plan on selling the lots. Chair Hamilton asked if they would be sold to individual people and he said he's had interest from various individuals. Tydon explained the road is 26' wide and the utilities have various setbacks. Tydon said they would install utilities as they sell parcels. The power company said they would likely set the boxes, but individual transformers will be the buyers' responsibility.

Cheryl asked if the sewer line is existing and Tydon responded yes. Discussion ensued about buyers who build close to the river may need larger power transformers and booster pumps for the sewer. Tydon said there is sufficient area on each lot for someone to build outside of the flood plain without changing the topography.

Cheryl asked about water. Tydon responded when the lots sold, they would also sell the buyer .45-acre feet of water for culinary use. And they're willing to consider selling additional water rights. Cheryl asked if there was a ditch on the property and Tydon responded yes, it runs along the highway. Tydon is unfamiliar with the irrigation and has not run the irrigation on the property yet. Cheryl asked about beneficial use. Tydon believes he has five to seven years to prove beneficial use. With an extension, you can go up to 10 years with the State of Utah. Cheryl asked if there was an irrigation ditch in the proposed subdivision. Tydon showed the Commissioners where there were gated underground irrigation pipes.

Shirley Ballard said Tydon no longer had any irrigation water on that property. Tydon said there are 59-acre feet of water rights on the property. Shirley said it was converted to a well. Tydon said according to the State Engineer's Office, water is still available at its original location until it is put to beneficial use. Tydon said if he drills a well and he's only metering 10-acre feet out of the well, he can take the rest out of the ditch. Shirley said the Town should get that information in writing; Tydon responded it's the State Engineer's Beneficial Use Code. Tydon says he has 23 shares of Rockville Ditch Company, which has been converted to 59-acre feet of well water in three wells. While the use has been converted, it has not been put to beneficial use.

Mayor Leach asked if it was Tydon's intent to convert the irrigation water rights to culinary water rights and Tydon responded they would convert only what was necessary for the homes.

Cheryl said the State Engineer's report states the use will remain the same. Tydon agreed, that is correct. Cheryl said the state engineer's report requires .51-acre feet of culinary water for each residence.

Shirley Ballard asked if his well would be able to provide the water for the fire hydrant. Tydon said any shareholder can ask for a fire hydrant to be installed on their property. Chair Hamilton interjected.

Cheryl said the well and the hydrant is on the property R-158. Chair Hamilton asked if Tydon had spoken with anyone at Rockville Pipeline Company and Tydon said no. Chair Hamilton asked if the Pipeline Company's rules would require them to give Tydon a hydrant or if that was their choice. Tydon claims the Rockville Pipeline Company is the fire suppression authority for the Town. Tydon said the Fire Marshal felt the fire hydrant would be provided by the Rockville Pipeline Company.

Chair Hamilton asked if he had spoken to anyone at UDOT about the access location. Tydon says there's a meeting scheduled. They currently have two entrances into the property, so they're merely proposing to shift one.

Cheryl asked about the measuring of water use. Tydon agreed he would be responsible for monitoring and reporting water usage.

Chair Hamilton said the existing metal building is classified as a farm utility building. Tydon said not according to an email he just got from the County. He just went through back taxes and the County has set one acre as non-FAA homesite. Chair Hamilton said no sewer bill has been paid on this property since December of 2017. Tydon said he was unaware of that, but they'd take care of it. Chair Hamilton reminded him that a legal non-conforming structure must be used at least once every twelve months. Tydon said it has been occupied. He's personally stayed there at the property with his kids. Tydon said he would get affidavits from previous owners. Chair Hamilton asked the Commission how they felt about the legal non-conforming use of the structure. Mr. Oler said the utility bill should not be the only criteria used. Chair

Hamilton reminded Mr. Oler when the Commission decided to allow Jacob Anderson to continue to use both residences on his property, it was because there were two garbage bills and two addresses and two sewer bills. There's only one sewer billing to this property and it hasn't been paid in over a year. Mr. Oler asked if the Chair was stating that even the one structure was no longer grandfathered, and the Chair said that's what she was asking the Commission. Mr. Oler argued that structure is not grandfathered. It exists. It's zoned single family residential, so there's nothing non-conforming about it. Chair Hamilton said it's classified as a Farm Utility Building. Mr. Oler said it's a single-family residence according to Washington County. It has four bedrooms and three baths in it. Mr. Oler said he received an email from Washington County classifying that . . . Chair Hamilton asked him to forward to her and he said he would.

Cheryl asked, if it is being used as a residence, what would change? Cheryl said if that is a structure, he could not build another home on that lot. Chair Hamilton agreed that was correct, unless he subdivided. Linda said it has been used as a home, after we became a town. **Mayor Leach** asked for clarification and Cheryl responded the large metal building.

Mr. Oler said the cabin had been used by the previous owners, but he and his partner are doing a boundary line adjustment, so the cabin would need to be moved to be on the existing lot. Cheryl said it's an old ranger station. She further stated there is no water or sewer on the plat. Mr. Oler said that was because it was anticipated to be relocated. Mr. Oler confirmed there is sewer and water connected to it. He said the cabin has a full bathroom and water heater in it, as well as a heater and a swamp cooler. It has a mini kitchen. He and his partner desire to relocate it.

Linda said the plans look good and Chair Hamilton thanked Mr. Oler for bringing the Commission something we can work with. Mr. Oler said he and his partner hope it will be something desirable that can be marketed efficiently and provide lots people would want to build on.

Cheryl asked **Jeff Ballard** and he confirmed there is an irrigation pipe there along the road. Mr. Oler said the irrigation easement is located in the non-subdivided parcel. He said a copy of the easement was included in the application. Cheryl asked about other irrigation ditches or pipes. Mr. Oler responded any across the subdivision would be privately owned and would have nothing to do with the Town or the ditch company. Mr. Oler claimed once it leaves the Ditch Company's pipeline, it would be private at that point. Jeff agreed once the water leaves the valve it is the shareholder's responsibility.

Mr. Oler said he's been ordered by his partner to fill the pond because he thinks it is unsightly being empty. But Mr. Oler does not know where to fill it.

Cheryl asked if Mr. Oler would be the developer. Cheryl asked if anyone on the Commission had an issue with there being no studies given these are in the sensitive lands. Chair Hamilton responded that she was very concerned. She went on to say if each neighbor is doing his own studies and not looking after his neighbors, it could create issues for the whole community. Mr. Oler asked if that was directed at him. Chair Hamilton explained that Cheryl was asking if each individual property owner would be doing their own engineering work, given the flood plain. Chair Hamilton went on to say she understood what Mr. Oler was saying about the individual property owners wanting to select where they build their home, because that will determine how high they have to build up and more. Cheryl said there should be some relative studies so you know if you can even build in certain areas. Mr. Oler felt each lot had sufficient space to build and to mitigate any drainage issues necessary. He went on to say you can only raise out of the flood plain by one foot according to FEMA guidelines. The County suggests two feet.

Cheryl asked about the parcel on the south side of the river, and if Mr. Oler would join it with the adjoining parcel. Mr. Oler responded that parcel at this time is still going through a

disconnection process with the Town, so there'd be no attempt to add it at this time. Cheryl asked how it would be accessed. Mr. Oler said it has a written easement, a dedicated access on the same road that accesses his parcels, and it always has. It is part of the original easement agreement. Mr. Oler said it has been submitted in writing.

Chair Hamilton said there's still a lot of questions to be answered, but she feels this is a very reasonable preliminary plat that we can work with. She would like to see a development agreement specifying what still needs to be clarified: UDOT access, culinary water, and other issues, like we did for Perry Homes. Chair Hamilton asked Mr. Oler if that would be acceptable. And Mr. Oler responded he would not agree to anything above and beyond or outside of our existing rules and zoning ordinances. The Commission agreed. Chair Hamilton said there are things required for the final plat that are just not available right now. Mr. Oler responded that the Town has informed him there will need to be a final subdivision plan and he sees no reason why what he has submitted cannot be approved as preliminary.

Chair Hamilton agreed and made the motion:

WHEREAS, the Subdivision Application for a Preliminary Plat is in compliance with the Land Use Code and does not compromise the General Plan, and is compatible with the residential character of the neighborhood, and

WHEREAS, Mr. Oler has agreed to record a Development Agreement at the time he records the preliminary plat. Such agreement will clearly identify the necessary . . .

Mr. Oler objected and said he would not agree to a development agreement he has not seen. Chair Hamilton said Mr. Oler has agreed to work with the Town – Mr. Oler said he has agreed to go through final plat.

Chair Hamilton said the development agreement we're going to work on will clearly identify the necessary inspections, conditions, studies, plans and drawings needed to develop the land, similar to what was done for Perry Homes in 2018. This Development Agreement shall be filed as a Covenant to run with the land, and shall be binding upon heirs, successors, or assigns of the parties. Mr. Oler said he would not agree to that. Chair Hamilton said Mr. Oler had asked to be treated like Perry Homes. And Mr. Oler said no, only in the instances he had mentioned. Then he said Perry Homes was completely different. They were asking to subdivide a property that had no water, no power, no culinary, nothing. We do not have that situation. We can work through each of the final plat application guidelines and meet them. Mr. Oler submitted that he was given no final plat application prior to this application, so for the record, he'd like to submit that final plat is something that should be considered today. That's not what Clerk Bell communicated to Mr. Oler that the Town would be willing to go forward with, so he and his partner have submitted for a preliminary plat application.

Chair Hamilton asked if he would mark the plat as preliminary and he refused. Mr. Oler asked why it could not be approved today. Chair Hamilton said a preliminary plat application was submitted, but the plat is not marked as preliminary. No development agreement will be recorded. The water hasn't been proven; the access hasn't been proven. Mr. Oler said that can all be done at final plat application. But what you're also trying to tag is for Mr. Oler to be willing to set covenants and restrictions on the property. Perry wanted waiver of certain regulations. Mr. Oler is willing to meet the necessary requirements.

Chair Hamilton asked if he was going to develop the property or merely subdivide the property. Mr. Oler responded he would subdivide the property and depending upon how they sold, he may or may not connect all utilities. Cheryl said Mr. Oler is legally dividing the land into the appropriate acreage for the zone and whether he plans to develop or not is not what this

meeting is about. Mr. Oler said he's not planning on building these homes, but everything is negotiable.

Linda asked how long it would normally be between the preliminary and final plat applications. Mr. Oler expected his engineer to have the final plat complete within three weeks. Cheryl is asking if the Commission needing more time was an issue for Mr. Oler and Mr. Oler said his concern is any stipulations requiring a recording against the property, therefore affecting the marketability of those lots.

Cheryl said Mr. Oler wanted to subdivide the property to build single family homes, but at this time you're not planning to stem in any utilities, even though you are the developer? Mr. Oler said that depends on the arrangement made with the individual purchaser. Cheryl said she believes Mr. Oler is responsible for putting in the utilities.

Linda said if we approve the preliminary plat, the lots cannot be sold until the final plat is approved, correct? Mr. Oler said a deed cannot be recorded at County without a final plat. He went on to say he would be remiss to sell a lot that did not have a recognizable legal description.

Chair Hamilton recognized **Shirley Ballard** who reminded the Commission that in the Subdivision Chapter 12.1.2, the last sentence says, *"If necessary, to require public facilities, infrastructures and safety protections are not in place or cannot be provided for, the subdivision and/or development will not be allowed."* And until you can figure out all these things and you're satisfied that the access is allowed, I don't see how you can even consider giving him an okay on the preliminary because you have too many questions. He needs to address them, and you need to be comfortable with what he does.

Mr. Oler asked what he has provided for preliminary plat that did not answer the questions that the Commission needed. Chair Hamilton said the water has not been proven out. She said the water needs to be potable. Mr. Oler argued it does not have to be potable at the well source, but at the tap. Each homeowner will be responsible for their own filtration system. Mr. Oler said it would run \$2,500 to \$5,500 for the water filters system in each home. Chair Hamilton said she'd really like to see something from UDOT. Clerk Bell asked when their meeting was set with UDOT and Mr. Oler responded they have not set one. They've just been in communication with UDOT.

Cheryl said there's something in the motion the developer does not like. She asked what the developer had in mind. Chair Hamilton clarified the development agreement we did with Perry Homes was a "buyer beware" notice that these things have not been done. Cheryl explained if the Commission approves the preliminary plat, the perception will be that we agreed that they're buildable lots. Mr. Oler said the ordinances address that, not the title to his property. Chair Hamilton recognized what Mr. Oler said. It's not reasonable to put utilities in if the lots don't sell; it may need to be reconfigured.

Chair Hamilton recognized **Bernadette Cole** who asked if there were other subdivisions in Rockville. **Shirley Ballard** and Cheryl said yes.

WHEREAS, the Subdivision Application for a Preliminary Plat is in compliance with the Land Use Code and does not compromise the General Plan, and is compatible with the residential character of the neighborhood, and

WHEREAS, Mr. Oler has agreed that he will provide certain things before final plat can be recorded, such as approval of the access roadway from UDOT, proven culinary water, and ...

Cheryl asked about Fire Marshal approval. Chair Hamilton explained the Fire Marshal has given preliminary approval of the subdivision. He did not say anything about the remnant parcel, but Mr. Oler is claiming he will keep the remnant parcel. Mr. Oler said the remnant parcel could be sold. It's an existing parcel. Chair Hamilton said that's why she really wanted a development agreement.

Mr. Oler said the water – what the Town has done to set precedent in the past, prior to approval of the state engineer's office for each one of the culinary connections is not required prior to final plat. Chair Hamilton asked Mr. Oler to speak louder. Mr. Oler said prior to final plat approval, the requirement of conversion of the property from irrigation to culinary he does not think its required. Chair Hamilton asked it would not be required by who? Mr. Oler said prior to building permit approval, it would be required by the property owner. Mr. Oler does not believe it would be required for a subdivision.

Chair Hamilton explained subdividing property requires a culinary water share for the parcels and since there are no culinary water rights; there are only irrigation rights which are planned to be converted to culinary rights. Mr. Oler argued it was no different from what the Town just did with 39-acre feet of water. Mr. Oler contends the Town converted irrigation to culinary in 2017. Mr. Oler claimed the precedent was set and it was done prior to any approval by the State Engineer.

Mr. Oler said the subdivision plan is far different from what could have been presented for this property. Chair Hamilton agreed it is far different from what has been presented for this property. Mr. Oler felt there was animosity towards the proposal. Chair Hamilton said it's not animosity; it's concern that there's still a lot of questions out there. Mr. Oler argued that's the difference between preliminary and final plat, but yet at preliminary plat you want to set conditions outside of final plat. Chair Hamilton responded no.

Final plat states that I have to show that I have the water available, which we do. Chair Hamilton said there is irrigation water available. Mr. Oler said the irrigation water can be converted. Linda asked about the culinary shares. Mr. Oler said they have two culinary shares. One will be used for the existing structure and the other one, if we're not allowed to relocate the shed, which I'm kind of getting that's going to be, then the other will be available to use elsewhere.

Cheryl was looking for the beneficial use requirement. Mr. Oler believes you have to prove beneficial use within five years and then report on the beneficial use every year thereafter. So, the use officially changes from being out of the ditch to out of the well. And the agreement with the Pipeline Company (I believe he means Rockville Ditch Company) requires that as well. The previous landowners transferred the water out of the ditch and into well. They had much more stringent thoughts towards use of the property. Cheryl asked if he was involved in that transfer of water rights. Mr. Oler indicated no. Cheryl asked to clarify there would not be an issue of not having enough culinary water for these four lots. Mr. Oler said no. **Jeff Ballard** said if it's irrigation water, it needs to be converted and treated. Cheryl said that occurs prior to a building permit; that's not right now. Mr. Oler said they have no interest in selling a lot they don't believe someone can build upon. That's bad business. Cheryl explained the Town's biggest concern is the lots are being adjusted as is and the Town is not responsible when it goes to sale. Mr. Oler said the Town would be obligated as far as the Town's rules and ordinances. Cheryl said if he sold a lot and the buyer could not use the water, that would not be the Town's responsibility. Mr. Oler said it would be unlikely anyone would close on a lot without having the water transfer go through. Cheryl said if the well isn't in, then how can they

check that? Mr. Oler said they could transfer the water prior to the well being in and then they can drill the well. If there's water, there's water and if not, there's not. But there will be. We'll hit water within 15' on that property.

Mr. Oler reported this was the first time that they could remember that Southwest Health had a private well connected to a public sewer system, so they had no application for it. They have no guidelines and the Southwest Health representative told Mr. Oler they could not require him to drill that well any certain way, but he strongly recommended we put in easement access agreements and drill the well to certain depths.

Cheryl said the well will be located on the remainder parcel the developer is not selling. Cheryl asked if he would put an easement on his land and Mr. Oler agreed they would have access to the well. Cheryl said they would have to determine who would be responsible for maintaining the well; that would not be the responsibility of the Town. Mr. Oler agreed and said the individual buyers would be responsible for treatment and water suppression.

Mr. Oler went on to explain that even if the fire hydrant is within 250 feet of the structures built, the water pressure is insufficient. So, the Fire Marshal recommended some water storage tanks. Mr. Oler said as he understood it, for a residential structure, you only need to have fire suppression for 10 minutes. The size of the home will determine the size of the tank. It will have its own built in pump and pressurized system.

Chair Hamilton asked Mr. Oler to keep the Commission informed of his talks with UDOT and Mr. Oler agreed. Chair Hamilton asked for a utility plan and Mr. Oler agreed. Cheryl asked about the private drive. She thought the Fire Department required a roundabout. Mr. Oler responded they do require a roundabout or that hammerhead. Mr. Oler said he's met with the Fire Marshal and he's looked at a preliminary plat, what you have. Code requires a 20-foot road, but you have to clear the fire hydrant by 26', so we decided to make the road 26'. Mr. Oler explained it had to be a hammerhead in order to comply with the Town's setback requirements.

Chair Hamilton said there were two typo issues with the plat. It says the property is located in Washington City in Washington County. Mr. Oler said if there's only two, that's great. He joked that his wife thinks he's having an affair with somebody code named "the engineer" because between this project and a few others, that's all I do is spend time with the engineer. Chair Hamilton said Chad Hill did not sign the plat. Mr. Oler explained that before they started drawing that parcel line boundary adjustment, they wanted to make sure the plausibility of what's planned is golden, so nothing is recorded and then later corrected.

WHEREAS, the Subdivision Application for a Preliminary Plat is in compliance with the Land Use Code and does not compromise the General Plan, and is compatible with the residential character of the neighborhood, and

WHEREAS, Mr. Oler has agreed to provide a utility plan and approval by UDOT before final plat, Chair Hamilton **MOVED** to approve Mr. Oler's preliminary plat subdivision application. Linda Brinkley **SECONDED** the motion. **Shirley Ballard** asked if we were approving four lots or five lots. Chair Hamilton responded it's four lots and a remnant. Shirley said then it's five lots. Chair Hamilton said it's six lots: two remnants and four subdivided lots. Shirley asked if he's only subdividing R-162. Mr. Oler explained there's two existing lots on the property. Shirley asked if he was "touching" R-158. Mr. Oler said they're doing a parcel boundary adjustment prior to the subdivision. Mr. Oler said the Town code allows for a remnant parcel. Shirley said it's still five lots no matter what you call it. Mr. Oler said he's calling it what the

Code calls it. **Mayor Leach** asked if it would have a parcel number and Mr. Oler responded it would retain the existing parcel number. It's on the south side of the river and will retain the parcel number, as the other subdivided lots will have new numbers.

Cheryl said it was originally submitted to us with five subdivided lots, but there was a right of way issue. Mr. Oler said there is no right of way issue. He owns the right of way now and this property has always had – but even if it did not – he could dedicate access to that property myself.

Chair Hamilton read a letter from **Karen Lodinger** which is attached to the minutes. Mr. Oler responded as to the further subdivision, given the current zone, we could do that, that would be allowed. However, I believe it would be difficult because they would have to get water off our system, so we'd have to agree to it. There's a 100-foot setback from the river. Mr. Oler explained he is familiar working with the Hurricane City Fire Marshal. If Rockville in the future allows accessory dwellings, which right now they don't, but if in the future Rockville allows them, the Fire Marshal seems to work with accessory dwellings when a town allows them. A second building being that deep off a private road, he's probably going to require the road be dedicated to be public at that point and I doubt you're going to get all four property owners, who thought they bought a private road, agree to dedicate that road public. So, it's allowable under the code, but Fire Marshal approval would be difficult. That's not our intent. He doesn't believe in restricting people from doing what they want on their property outside of what the town instructs they do via zoning ordinances and rules. But it would be difficult for them unless they dedicated the road public. Linda agreed.

Mr. Oler said they originally tried to fit a fifth lot in, but it brought the widths down to about 120 feet. He tried to sell a lot for four years on the other side of Town. He finally did sell them both together. But they were only 110' wide. With the homes people want to build today with a 3-car garage and everything, it's hard to fit on 100'. Cheryl said if it's allowed by our code, it's allowed.

VOTE on motion:

Bergen Meyer – Aye
Cheryl McGovern – Aye
Linda Brinkley - Aye
Joyce Hamilton – Aye

The motion passed unanimously.

Chair Hamilton corrected her motion that she recommended approval to the Town Council; they have authority to give final approval tomorrow.

3. **CONSIDERATION AND POSSIBLE APPROVAL ON A BUILDING PERMIT APPLICATION SUBMITTED BY VICKI PARKINSON FOR A RESIDENCE LOCATED AT 19 EAST MAIN, ROCKVILLE BY MICHAEL BROOKS AND VICKI PARKINSON** - Vicki Parkinson said the house she's living in now needs a lot of work, so she wants to build a house back further from the street, that's clean and healthy. Chair Hamilton asked if it would face Center Street and Mike said it would face SR-9. Bergen asked what she planned to do with the old home. Vicki responded leave it as it is and use it as a crafting studio. Bergen asked if that was within Town code. Chair Hamilton asked if Vicki was willing to disconnect some utilities. Vicki said she would disconnect the water. She will need some electricity to it. But there will not be any plumbing or water. Chair Hamilton said that was important. Chair Hamilton asked how the Commission felt about the Code requiring accessory structures to be behind the primary residence? The proposed main living structure is proposed to be behind the accessory structures. Cheryl

counted four accessory structures. Vicki said the house is historic; it's over 150 years old, built by the original pioneers. The old master plan asked to keep it there. By not living in it, we can restore it. Chair Hamilton asked if it was on the Historic Register. Vicki responded no. Chair Hamilton asked if she desired to put it on the Historic Register. Vicki said she has not decided. Cheryl asked if she was abandoning the home and asked if that was a requirement to build the new home. Chair Hamilton responded when Jane Brennan built her home, she took the water out of the original home. **Shirley Ballard** said Jane also changed her address. Chair Hamilton said yes, now the house faces DeMille. Shirley suggested if Vicki has a Center Street address, the accessory structures would be behind the primary structure. Cheryl asked for confirmation that the driveway comes off Center Street. Chair Hamilton asked Vicki how she felt about changing her address to Center Street. Vicki said they can't find her anyway. Clerk Bell asked if the house would need to be turned. Cheryl said she did not think so. Linda said she thought the address was based on the front door and the driveway. Cheryl said her front door is facing her driveway, which is off Center Street. Mike explained they would swing the driveway into the front door. Clerk Bell asked if Mike still had concerns about the electricity running to the existing house. Mike responded that he did. That's why he'd like to get rid of that electricity and build her a house that she could have her mother in that's safe. He went on to say they've made it safe from the meter back, but not from the meter to the house.

Mike went on to say that Vicki wanted him to remodel the existing structure and he looked at the footings and he thought it would be better to just start from scratch and make something useable. He thinks it would be a fine house to historically renovate. He's done a couple in Town: the Grafton cabin and the Telegraph house. And he thinks it would be fine if it were gutted too and then approach that issue with Rocky Mountain Power and the Town at that time. Linda asked and he confirmed he was speaking about the old house. And maybe do a subpanel so it can have lights and outlets, but not freezers or washers and dryers. But that's all speculation. Mike said he just thinks it's a hazard. And it's a beautiful old home, but it's a hazard.

Clerk Bell asked if the electricity should be disconnected until the improvements can be made, and Mike responded that's what they will do. Mike has talked to Rocky Mountain Power about getting a new transformer, dropping the utility line underground and then clean some stuff up from there. And go from that subpanel to the house, reconnect, make it safe.

Cheryl asked are you going to gut it and restore it as a home? Cheryl said you can only have one home. Vicki said she's only keeping it as a studio. Linda asked if they would disconnect and then build the new home. Chair Hamilton corrected the new house would have to be built before the power can be disconnected at the old place. And Vicki agreed, she needs to live someplace. The power was put into the old house in the 1950. When she tried to insure the house, the insurance company refused until 200-amp service replaced the 60-amp service.

Mike says he thinks there's sentimental value here. She'd like either a studio or a historic renovation, but that's tomorrow's news. Right now, we want to build the new house, getting her living comfortable and safe. And then come to you later to discuss the old house. Mike said it will never be a residence again. And Vicki agree it will not be used as a residence.

Chair Hamilton asked what form of heat is in the existing house and Vicki responded coal only. It's a coal stove and it was hard to find coal last winter. Chair Hamilton asked if it was her intent to move in upon completion or to take her time moving stuff over. How long do you think it will take to move? Vicki responded she did not really know for sure. She intends to move in as soon as possible.

WHEREAS, the Building Permit Application, Site Plan and Building Plans are all completed and in compliance with the Land Use Code and do not compromise the General Plan and is compatible with the residential character of the neighborhood, and

WHEREAS, Vicki Parkinson has agreed to remove water from the existing home,

WHEREAS, Vicki Parkinson has agreed the existing structure will not be used as a residence or living quarters at any time after the certificate of occupancy has been issued on the new structure.

I, Linda Brinkley, THEREFORE **MOVE** to approve the Building Permit Application of Vicki Parkinson at 19 East Main Street in Rockville. Cheryl McGovern **SECONDED** the motion.

Bergen Meyer asked to clarify that Vicki would be changing her address. And **Shirley Ballard** said the building would have to move 3' further from the road to meet setbacks. When asked if that was agreeable, Mike Brooks responded they are likely to move the house even a little further away from the road.

APPROVAL OF THE MINUTES OF THE APRIL 10, 2019 REGULAR MEETING – Linda Brinkley **MOVED** to approve the minutes of the regular meeting of April 10th. Bergen Meyer **SECONDED** the motion.

VOTE on motion:

Bergen Meyer – Aye
Cheryl McGovern – Aye
Linda Brinkley - Aye
Joyce Hamilton – Aye

The motion passed unanimously.

APPROVAL OF THE MINUTES OF THE APRIL 10, 2019 WORK MEETING - Bergen Meyer **MOVED** to approve the work meeting minutes for the April 10, 2019 meeting. Cheryl McGovern **SECONDED** the motion.

VOTE on motion:

Bergen Meyer – Aye
Cheryl McGovern – Aye
Linda Brinkley - Aye
Joyce Hamilton – Aye

The motion passed unanimously.

PLANNING COMMISSION ADMINISTRATIVE BUSINESS – Chair Hamilton reported Justin Mabey received his certificate of occupancy on the Zion Oasis bunkhouse, that was the remodel of the detached garage on the Diaz property. The last time we discussed this, they had constructed some partition walls not on the plans and the Fire Marshal required some additional sprinklers, which has been done to the Fire Marshal's satisfaction, and therefore the certificate of occupancy has been issued.

Chair Hamilton reported there were two noise complaints from the Zion Red Rock Oasis. The second incident involved 80 hairdressers, a live DJ and a laser light show. So, a letter was sent to Mr. Mabey to inform him that was not acceptable under the Land Use Code and he came in immediately attempting to rectify it and we have received no further complaints.

At the Town Office, we are considering a Simple Building Permit for Greer Chesher. She would like to place her moveable metal barn in Scott Williams' yard. His property is located just beyond Doggy Dude Ranch. The last we heard; Scott Williams was having second thoughts. At this time, Greer has moved her two horses onto her property, and she has a non-conforming lot of under a half an acre and our current Land Use Code does not allow you to have large animals on under one half acre lots. So, Chair Hamilton will be sending her a letter soon.

Vicki Bell will be hosting the annual family reunion and she has applied for a temporary special event permit for the last weekend of June.

Clerk Bell reported Jacob Andersen has filed a court summons and the Town is working with our attorney. Chair Hamilton reminded the commission members that he came to the commission, who determined the prior short-term use of guests and family members was not compatible with the short term rent for profit that is occurring on the property. His attorney appealed, but it was after the 10-day appeal period, so our attorney denied him. And now he is suing because we refused to acknowledge his use and we refused to hear the appeal.

Chair Hamilton reported the survey has come back from Five County Association of Governments. There are some issues, some typos. We're putting some finishing touches on it and hoping it goes out in July.

Chair Hamilton asked if everyone would be able to attend the July 9th planning commission meeting. Cheryl said she will not be able to attend.

Linda Brinkley asked about a lot number, R-1234-A-1, for Vicki Parkinson. Clerk Bell reported that sounds right. **Shirley Ballard** said that's correct.

Linda Brinkley **MOVED** to adjourn. Cheryl McGovern **SECONDED** the motion.

VOTE on motion:

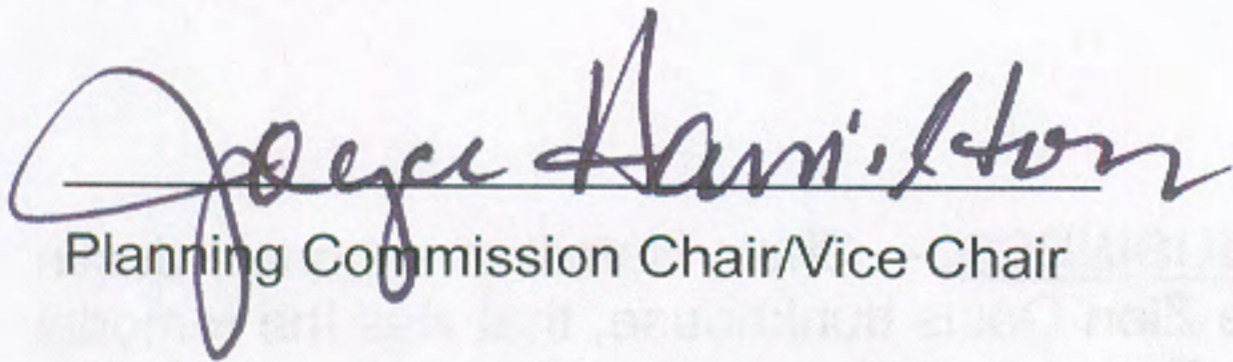
Bergen Meyer – Aye
Cheryl McGovern – Aye
Linda Brinkley - Aye
Joyce Hamilton – Aye

The motion passed unanimously.

The Planning Commission Meeting adjourned at 8:45 p.m.

Minutes Prepared by:
Joyce Hamilton, Deputy Town Clerk
Town of Rockville

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 10:23 AM/PM on 14 August 2019 and on the Rockville Website.

Vicki S. Bell

