

Rockville Planning Commission
Regular Meeting
Via Zoom Virtual Meeting
May 12, 2020 – 6:00 pm

1. **CALL TO ORDER – ROLL CALL:** Chair Hamilton called the meeting to order at 6:00 p.m. Present were Ken Rybkiewicz, Jane Brennan, Joyce Hamilton and Linda Brinkley. Cheryl McGovern was excused. Town Clerk, Vicki S. Bell, recorded the meeting.
2. **DECLARATION OF CONFLICT OF INTEREST:** No conflicts were disclosed.
3. **PUBLIC COMMENT:** Vicki had two emails to read into the record, from Rob Snyder and Jack Burns. Rob Snyder felt Rockville Town dedicated roads cannot have gates or locks on them. Dedicated Town roads must be accessible to the public. Dogs off leash are not allowed on Rockville Town roads. Greenhouses are accessory structures and must meet regulations as such. Plumbing within accessory structures is not allowed. Jack Burns' letter was a formal complaint against Vicki Parkinson concerning the alleged ongoing excessive noise nuisance created by her six barking dogs. These two emails will be attached to these meeting minutes for the record.
4. **DISCUSSION AND ACTION ON A REQUEST FOR A CONDITIONAL USE PERMIT TRANSFER FOR THE CURRENT AMBER INN B&B LOCATED AT 244 W. MAIN IN ROCKVILLE BY GARTH AND HEATHER TYLER:** Chair Hamilton stated that Garth contacted the Town Office earlier this week and said that he's been delayed by the Small Business Administration because of the Covid Pandemic, so this matter is tabled until next month.
5. **DISCUSSION AND ACTION ON AN APPLICATION FOR A HOME OCCUPATION BY MARC SOLOMON FOR CONDUCTING INTERNET SALES LOCATED AT 155 E. DEMILLE ROAD IN ROCKVILLE BY MARC SOLOMON:** Marc said he is selling books, CDs and collectibles on eBay and Amazon. Jane asked Marc if the business would increase traffic in any way; would it be noticeable in the neighborhood? Marc said most everything he purchases is from DI or Goodwill, so it is just his car and maybe, occasionally, UPS or FedEx, but nothing out of the ordinary. Jane asked for his business name and said it was not on the application. Marc responded that its Marsol Collectibles. Jane asked if he would advertise that he is based in Rockville. Marc responded no. On eBay, it asks for your zip code, but he does not offer home pick up. Jane said the Planning Commission is most interested in things that may impact your neighbor. Ken said the application seems straight forward and he had no questions at this time. Chair Hamilton confirmed there is no need for signage and Marc agreed. Linda asked how Marc mails them out. Marc said usually through the USPS, rarely through FedEx. Linda complained about the speed of the UPS and FedEx drivers on Center Street.

Jane Brennan **MOVED** as the application for a Home Occupation permit submitted by Marc Solomon for mail order sales of books, CD's and collectables is complete, and the Home Occupation does not conflict with the Rockville Land Use Code Chapter 5.

And whereas, this Home Occupation is consistent with and does not compromise the Rockville General Plan,

And whereas, this Home Occupation does not appear to cause traffic, noise, or any observable change to, and is compatible with the residential character of, the neighborhood and the town

Jane **MOVED** that the Planning Commission approve this application.

Linda Brinkley **SECONDED** the motion.

VOTE on motion:

Ken Rybkiewicz – Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

Clerk Bell reminded Marc the business license would be in the Town Office.

6. **DISCUSSION AND ACTION ON AN APPLICATION FOR A BUILDING PERMIT TO REMODEL THE MANAGER'S QUARTERS FOR ZION RED ROCK RETREAT VILLA LOCATED AT 991 WEST 230 SOUTH IN ROCKVILLE BY JUSTIN MABEY:** Mr. Mabey said the property is the one they're calling the Villa and that they have received approval to do the manager's quarters. They have submitted the plan of what they are doing. Essentially, we ripped out a bathroom and we are putting in a kitchen. This is a permit request to build a small kitchen, about 12'x9' area. Jane asked if the building is 725 square feet. Clerk Bell said it looks to be 725 feet to her. Jane asked if the bedroom, bathroom and living room were going to remain unchanged. Justin said there used to be potentially three bedrooms and three bathrooms in the home and he knows that's probably not what the Town has on record of what existed there, but that's how it was when we found it. We are ripping out one of the bathrooms. We are keeping one bathroom. And one of the bedrooms is now the family room. Jane asked if there is any change outside: windows, roof line, anything. Justin responded no. He said they have already stained it, but no structural changes, no other changes. Jane said it appears our Building Inspector already looked at these. Clerk Bell confirmed. Jane said this is awkward for her because we do not usually allow a secondary living quarter. As you know, Justin, you were given unique authority to do this. Jane asked if it met all the setbacks. Justin confirmed the manager's quarters are located more than 10' from the garage, possibly more like 25'. Jane asked how far it is from the main house and so Justin gave the Planning Commission a little visual, showing the manager's quarters, the detached garage, a driveway, and the house. He guessed the manager's quarters would be 30' from the house. Jane asked if it met the setbacks for property lines. Justin confirmed the buildings were in the middle of the 30 acres. Jane explained that because it was a remodel, Justin did not have to provide a site plan, but because it was living quarters, setbacks were important to her. Ken said he liked the Zoom site visit as he is a visual guy. Linda said it looks good to her. Chair Hamilton called for a motion.

Jane Brennan **MOVED** Whereas, the application for a building remodel submitted by Justin Mabey for the property located at 991 W. 230 S (lot # R-1248-E) is complete, and

Whereas, under special contract for the Residential Short-Term Overlay zoning, permission has been given by the Rockville Town Council to Mr. Mabey for a manager's quarters on this site.

With that in mind, this remodel does not conflict with the Rockville Land Use Code, and so

I **MOVE** we approve this building remodel application. Chair Hamilton **SECONDED** the motion.

VOTE on motion:

Ken Rybkiewicz – Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

7. **DISCUSSION AND ACTION ON A FINALIZATION OF AN APPLICATION FOR A BUILDING PERMIT FOR TYDON OLER ON PARCEL R-157-A ACCESSED FROM RIVER ROAD IN ROCKVILLE BY TYDON OLER:** Tydon said he does not have anything to add. Clerk Bell said while reviewing the paperwork, it was discovered the application has parcel number R-160 on it. The Fire Marshal's review plan states R-157-R and the Rockville Plan says R-166-R, so what parcel will be built upon? Tydon responded he did not have the map in front of him, but it is the furthest east one. Tydon thought all the Fire Marshal was concerned about was Tydon getting access past the BLM property. We are submitting on the larger parcel. It is the furthest east, not the one adjacent to Amy Shima's old property. Clerk Bell asked for confirmation that is parcel R-166-R. He thought it was R-166-A. Ken stated he had noticed the discrepancies and appreciated the clarity. He said the GEM report stated R-166-A. Tydon said he asked GEM Engineering and Rosenberg and Associates to include both sites, but the building permit is for lot R-166-A. Jane asked if anything had changed in the last seven years with his building plans. Tydon responded with this submittal, no, it has not. We are just going forward with what was originally submitted to make good on this building permit. We would like to change the design and layout, but he figured we could address that at another time. For Tydon, the most important thing was getting a building permit. Jane asked Clerk Bell how we go about changing plans once

they are approved. Clerk Bell said it would depend on when he made the changes: would he do an addition after construction was completed? Tydon said he just wanted to perfect the building permit and get the permit in place and whatever process he needs to go through if they decided to make changes, he will abide by. Jane asked Clerk Bell if there was a time limit. Clerk Bell said he would need to make good on the permit six months from the issue date. Jane said if he wants to change the plans from a four-bedroom home to a seven-bedroom home, should not he do that before he gets a permit. Tydon said that decision would be entirely up to his wife. Jane asked Clerk Bell and Chair Hamilton, would changes to his building plans require another meeting, or is that between the building inspector and Tydon. Clerk Bell said if he makes changes to the existing building plans in place, that will be between him and the building inspector she thinks. Linda asked if it needed to stay within the footprint to not come back to us. Clerk Bell confirmed and stated if there are changes within the existing footprint, that would be between the building inspector and the owner, but any changes outside of the existing footprint would need to come before the Planning Commission. Tydon said he is okay with that. He does not want to overcomplicate the matter. The main thing is they want to perfect a building permit. We have been a long time coming to secure a building permit on this property, so we just want to know that is a possibility and then we can tackle anything from there. Jane again asked for clarity because it sounds like the building that is being permitted is not the one that will be built. Tydon said he was asking for a permit to build the building he was conditionally approved to build, and we will address any changes with the Planning Commission. He is asking for permission to build the building in front of the Planning Commissioners and if anything changes, he would of course, come back and seek approval. Jane asked if the contractors were the same and Tydon responded he will subcontract it all. Jane said she is okay with updating that contractor's information in the Town Office. That is good information for us but will not determine whether we approve or not a set of plans. Jane believes we need to agree with input received from Don Buckley and Rod Mills that the problems Tydon encountered long before most of us were on the Commission have been addressed, as far as Sensitive Lands and the Fire Permit Issue for the road. Linda agreed with Jane that those issues have been addressed. Ken is concerned about any changes that would affect flood plain or setbacks, but he had no problem permitting as planned.

Kim Cook said she was sending comments but was not getting responses, and she would like to have her concerns addressed and responded to. Clerk Bell read Kim's comments that the building permit should be for the actual anticipated building and knowing which property is rather important. It has been determined that the parcel he will be building upon is R-166-A.

Jane asked how Tydon got the parcel number incorrect on his permit. Tydon responded he had to do a lot line adjustment between the two parcels because of a dead zone of old surveys that did not match up, so R-166's line was shifted. But he again assured the Planning Commission that it is R-166 they are looking to build upon.

Jane said in response to Kim's concerns, all of that was approved long before this Planning Commission came to be, in 2013, as far as how many rooms it is and how tall it is and all of that, was already approved. All we can say is he is got the proper paperwork in. That Tydon wants to change the house plans bothers Jane, because there has been plenty of time to adjust this. Tydon responded that he wanted to be able to build a home and that has proved to be difficult and so he would rather build the existing plan than no home.

Tydon said when he came into the Town Office a while ago, Joyce (Hamilton) started bringing up some questions that he did not believe was part of what was agreed upon for the possible approval of his house. So rather than submit plans that would – house I could build. Jane said that sounds reasonable, but it is probably on court record that Tydon could build the house he submitted, and the Planning Commission does not generally go against the court. Tydon did not understand Joyce's questions when he came into the office to discuss a possible change, so that is the reason. Jane said there is no question the building plans submitted is permissible and able to be approved. Everything she is seen from the judges and lawyers says all Tydon must do is come before the Planning Commission and go for the final approval. Jane just thought that after all these years, things change, and she would imagine that he would want to change the plan. Families change. Lifestyles change. Home building plans change.

Clerk Bell assured Jane that any changes would have to be approved by Planning. The issue for consideration tonight is approving the house he is applied for.

Chair Hamilton **MOVED** that WHEREAS on September 10, 2013 the Town of Rockville's Planning Commission approved a building permit application for Tydon and Brittany Oler dated January 1, 2013 to construct a single-family residence with 1,666 square feet on each of the main and the upper levels, plus 1,026 square feet in garages on parcel R-166-A.

WHEREAS, that approval was subject to five conditions: and

WHEREAS, Mr. Oler appealed those conditions; and

WHEREAS, on December 19, 2013, the Rockville Town Council modified the first condition and upheld conditions two thru five made by the Planning Commission. The following are the conditions required from the applicant for the building permit to be issued:

1. Condition #1 was modified to clarify the intent of the Planning Commission for compliance with the Fire Marshal's requirements, to state "Applicant shall comply with the requirements stated by the Fire Marshal in his letter dated September 2, 2013, as required by the Rockville Land Use Code, Chapter 1, General Provisions and Procedures, 1.11 Review Process for Building Permit Applications, subparagraph I. Final approval of the requested permit shall be confirmed by the issuance of a Building Permit in compliance with the International Building and Fire Codes as amended and adopted by the Town."
2. Condition #2 states "Applicant shall obtain the approval of the Town Council that the easement in question is approved by the Council as a Town-approved right-of-way to allow frontage as required by the Town Ordinances, in order to obtain a Building Permit." This is supported by Chapter 7, Section 4, Lot Standards and Dedicated Frontage, of the Land Use Code of the Town of Rockville, which states "a lot shall have frontage upon a dedicated or publicly-approved street or upon a private street or right-of-way approved by the Town before a building permit can be issued."
3. Condition #3 states "Applicant shall submit for approval under the Sensitive Lands Ordinance an engineered solution wherein the engineer shall opine that the design will be built in compliance with the Town's Ordinances, including Grading Ordinances and Sensitive Land Ordinances, and appropriate drainage considerations, and that said design be further approved by the Fire Marshal in its final design." This is supported by Chapter 16, Grading/ Excavation, and Chapter 25, Sensitive Lands Overlay.
4. Conditions #4 and #5 applied to the review and approval of Conditions #1, #2, and #3 by the Planning Commission prior to the formal issuance of a Building Permit, which are:

Prior to the formal issuance of a Building Permit, applicant shall appear before the Planning Commission with proof of compliance with Items 1 to 3 above, wherein the Planning Commission shall then have the opportunity to review the new engineered road design for compliance with Rockville's Ordinances.

The issuance of the Certificate of Occupancy shall be contingent upon completing the roadway in its approved design.

WHEREAS, the applicant has provided proof that he is the owner of parcel R-1305-A-7-D and is therefore able to make the necessary improvements to meet the Fire Marshal's access and fire safety requirements, condition # 1; and

WHEREAS, the Fire Marshal Don Buckley's Building and Site Development Plan Review dated May 15, 2016 was reviewed by Deputy Chief Kevin Gildea of the Hurricane Valley Fire Protection District and found to meet fire code requirements, satisfying condition #1 and overriding the September 2, 2013's requirements; and

WHEREAS, the applicant has reserved agenda time at the May 13th, 2020 Rockville Town Council meeting to obtain approval for the required frontage, meeting condition #2; and

WHEREAS, the engineering report dated June 23, 2014 by GEM Engineering was reviewed by Rod Mills, of Ensign Engineering on May 1, 2018, on the Town's behalf and found to be in compliance with the Town's Sensitive Lands and Grading Ordinances, therefore meeting condition #3; and

WHEREAS, the applicant has appeared before the Planning Commission with proof of compliance of-conditions #'s 1 through 3.

NOW THEREFORE, I hereby **MOVE** to accept the information provided as sufficient to resolve the conditions of the building permit issuance, subject to the Town Council frontage approval on May 13th, 2020 and Building Inspector and Fire Marshal approval. The building permit will be issued for construction of a single-family residence in accordance with the architectural plans submitted with the original building permit application. Any changes to the original building permit application or architectural plans must be submitted to the Town Office for review and approval by the required entities before construction begins. Applicant is reminded that the Rockville Land Use Code allows for this residence to be used as the owner's residence or for long term rental only and cannot be used for short-term or vacation rental purposes.

The issuance of the Certificate of Occupancy is subject to written approval of the Building Inspector upon satisfactory completion of construction, and approval by the Fire Marshal that the road meets all necessary fire safety requirements, as well as completing the roadway in the approved design. That is my motion.

Linda Brinkley **SECONDED** the motion.

Ken said he would support it if constructed as submitted only.

VOTE on motion:

Ken Rybkiewicz – Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

8. **APPROVAL OF THE MINUTES FOR THE MARCH 10, 2020 REGULAR MEETING:** Jane Brennan **MOVED** to approve the minutes for the Rockville Planning Commission Regular Meeting of March 10, 2020. Ken Rybkiewicz **SECONDED** the motion.

VOTE on motion:

Ken Rybkiewicz – Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

9. **APPROVAL OF THE MINUTES FOR THE MARCH 10, 2020 WORK MEETING:** Linda Brinkley **MOVED** to approve the minutes from March 10th for the Planning & Zoning Work Meeting. Jane Brennan **SECONDED** the motion.

VOTE on motion:

Ken Rybkiewicz – Aye

**Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye**

The motion passed unanimously.

Information/Discussion/Non-action items:

1. TOWN OFFICE REPORT

A. APPROVAL OF A SIMPLE BUILDING PERMIT FOR JEFF BRANTLEY TO CONSTRUCT A GREENHOUSE LOCATED AT 617 W. MAIN ST. IN ROCKVILLE:
Chair Hamilton reported that the Town Office confirmed with Jeff Brantley that there would be no water put inside of the building. He does have a frost-free spigot outside of the building he will be using for his water needs.

B. REVIEW OF PROPOSED ROCKVILLE BUILDING PERMIT REMODEL CHECKLIST: As Clerk Bell stated in her cover letter, nothing was really changed. The boxes were made a little bigger to accommodate handwriting. Clerk Bell said the big question is have we put on the remodel application all the information you want to see as Planning Commissioners. Linda Brinkley said it looked good. Clerk Bell said we took off the requirements for a benchmark and elevations since the building already exists. Jane Brennan asked for clarity that a remodel is not an addition. Clerk Bell responded a remodel does not change the footprint. Chair Hamilton said if the Commissioners had no further input, Clerk Bell would submit the form to the Town Council for their approval.

2. PLANNING COMMISSION ADMINISTRATIVE BUSINESS

A. Next Planning Commission meeting will be June 9, 2020. This meeting will include the public hearing for the presentation by Rural Community Consultants for the updated Rockville Land Use Code. Jane asked if there was a charge for the printed copy. Clerk Bell said it would be the standing photocopy fees, but it is cheaper if you bring your own paper. Linda asked Chair Hamilton if we would be able to meet in person for the June meeting. Chair Hamilton replied that she did not want anyone to think the Planning Commission used the pandemic to slide something by. We have been working on this for over a year. The consultant's accounting department is asking us to wrap this up this fiscal year. She went on to say she and the Town Clerk had discussed opening Town Hall. Chair Hamilton expressed concern that with this being an older rural community, maybe some homes do not have access to the internet at home.

3. ADJOURN: Linda Brinkley **MOVED** to adjourn. Ken Rybkiewicz **SECONDED** the motion.

VOTE on motion:

**Ken Rybkiewicz – Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye**

The motion passed unanimously.

The Planning Commission Meeting adjourned at 6:55 p.m.

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

APPROVED:


Planning Commission Chair/Vice Chair



**Rockville Planning Commission
Regular Meeting
May 12, 2020 6:00 p.m.
Rockville Community Center
43 E. Main Rockville, UT 84763**

PLEASE SIGN YOUR NAME AND PLACE OF RESIDENCE FOR THE RECORD

NAME

ADDRESS

Kim Cook _____

Jack Burns _____

Aydon Oler _____

Marc Solomon _____

Jacob Andersen _____
