

**Rockville Planning Commission
Regular Meeting
Rockville Town Hall
June 7, 2023 – 6:00 pm**

1. **CALL TO ORDER – ROLL CALL:** Chair Tim Arnold called the meeting to order at 6:00 p.m. Ken Rybkiewicz, Garth Tyler, Linda Brinkley, Robin Smith, and Tim Arnold were present. Clerk Bell recorded the meeting.
2. **DECLARATION OF CONFLICT OF INTEREST WITH AN AGENDA ITEM:** No conflicts were declared.
3. **PUBLIC COMMENT:** Michael Behling spoke of the packet he presented to the Town containing the results of two years' work in noise and light studies he'd done in west Rockville. He also referenced Appendix I which explains the complicated terminology used in the studies as well as emails received from the Springdale Chief of Police on the subject of who enforces noise in Rockville. Mr. Behling stated the chief [of Police] basically says they're not enforcing it, so that leaves it up to you. I wanted to provide the Town with the most accurate product possible, so I provided certification data of my instruments and calibrator to demonstrate their conforming to what we call [inaudible] key standards. I have a petition that was given to the citizens of Rockville addressing light and noise issues from a wildlife perspective. The petition is good for judging public opinion. Lastly, I present two files on a thumb drive containing select photographs and videos of illumination of the area's resort properties.

What's in my report which took two years to culminate is a section on background we go through the noise survey that covers that time period. It looks at different parameters like, most commonly, sound levels. The meters we used measured dBA, in other words decibels as weighted. What we found was that type of meter only measured 80% of the total noise that's occurring, so my equipment measured both dBA and dBC and also dBZ. Both dBA and dBC are important. All of this is discussed in the report and is very tech. We included readings from this integration-based meter from before the ordinance went into effect and the reason they're included in this report is it relates to wildlife issues. One of our concerns is what does the loud noise do to the wildlife? We have some of the most pristine and large populations in Rockville and the canyon as a whole. We have the river going through that area. We also have the Springdale wastewater lagoons and the riparian area that's adjacent to it. And the Conservation Area next to that area and also have lakes and things like that and often especially in the spring and the wintertime we get a lot of migratory birds and I've counted at least a thousand Common Goldeneyes in that area. I don't know if you know what a Common Goldeneye looks like, but it's a duck with a big hat; it has white eye patches under its eyes and it's a diving duck and so it loves to restaurant in my lake because there's a lot of fish in there. Just one example of the kind of migratory birds, predators – we used to have eagles; all species of eagles: the balds in the winter and also the goldens, many different kinds of hawks live in that area, many different kinds of Passerines which are little, small birds you all have in your yard. Shore birds are very common in that area.

What we found over the last three years was the populations of these birds are being reduced and we think that the light and the noise might have an impact on that. So in this letter we are requesting under the wildlife provision a new study be conducted to determine if the loud noise and the bright lights in the area are impacting the animals. What's in this report is a section on sound levels, our studies, a section of observations of all kinds of interesting information on what we're observing. We explain what we observe when we see the events that occur in the area. There's a section on wildlife. We tell about all the different wildlife we see, and how we're not seeing them; what the light does to them and the physiological effects of light and noise to the wildlife. I have a section in there on the – we'll call that noise the highest noise potential based on where the resort is. There are three different sections to it. We have one at the Chateau, one at the Villa, and one's over at the [inaudible]. Each one of those areas has numerous different sites where they have these DJ events, and we rank them from the highest and lowest noise potential impacting the area. That's in response to client complaints. I compiled this data. I really didn't know how many police interactions we had and so when I counted them all up and looked at the different interactions, I was very surprised at what we found. So, that's in there telling you about the police responses or lack of responses and some of them will flabbergast you! The latest one we had was a shooting going on and it wasn't from the guests. It came from next to the river or in that area and I don't know if they were trying to rough up guests or were at the buildings. Earlier that night we also had some things that seemed like defiant actions by people that are not happy about the loud noise in respect to the wildlife. So, that's in there. There are a lot of different police things and you might think about their responses.

One of the questions that we try to answer in this, and I know I'm running out of time but, is that by police interaction, is that doing any good to lower the level of DJ entertainment-based noise, which is the main problem. The music is one part of it, but also the guests are another part. I've done a lot of monitoring on the strip, and I do not see as much yelling and screaming and that kind of interaction as I see here. Except there could be a caveat in some of the western bankers on the strip. So these are quite noisy from a perspective of yelling and screaming and that does have some – you can yell and scream at 9 dB, so it's significant."

Chair Tim Arnold said the Council would review Mr. Behling's report and pass it on to the Town Council as well. Mr. Behling asked to show some of the photographs from his report to the Commission members. Citing some from a few weeks ago, he said, "This is what we see most often, night after night." Tim added, "Just for the record, he did text me one night and I went out there before the deadline with our noise meter and from our gate the dB was within range and at the exact hour they finished the song; the noise level did drop."

4. CONSIDERATION AND ACTION ON A GRADING/EXCAVATION PERMIT APPLICATION TO ADD FILL DIRT ON ANDREW GREEN'S PROPERTY LOCATED AT 35 BRIDGE ROAD – ANDREW GREEN:

Andrew Green (Andy) began with an apology for having taken advantage of accepting delivery of free dirt before getting approval from the Town. He then explained the rare opportunity for such dirt from the removal of over-excavation at the Bit and Spur. Andy said he'd received about 150 yards of free dirt while his permit allows for only 100, so he acknowledged he owes the Town some additional money. Andy pointed out the contours of the map he displayed to the Commission while explaining there is a fairly large depression where the trailer used to be. He went on to describe his attempts to fill the depression and level the land with available soil already existing on his property. He contoured it against the Jennings property and levelled the lot. He said there's nothing over the 30-degree slope and that it's not engineered fill. He acknowledged when he gets ready to apply for a building permit, he'll need to do more work.

Chair Tim Arnold said he went over to Andy's property to look it over and found everything to apparently be within our Land Use Code. He asked Andy to confirm that the drainage will not be disturbed, and that there are no easements in the areas where Andy's adding dirt. Andy said that there's an unrecorded Town sewer easement which runs on the south edge of the property about 10 feet from his south property line running from east to west. It has a manhole on the southwest corner of Hirschi Lane. Another manhole is at Mike Shannon's carport. Andy said that Mark Schraut surveyed it and he doesn't think there are any turns in it. He estimates there's only about six inches of material put on top of it. There are no manhole covers on Andy's property. There is an overhead line but no easement for that, and there's a 12-inch ditch company water line for irrigation that runs about 40 feet from the east property line (from the rear of the Jennings property) to Jack and Elaine's and that as best he can tell it is about three feet underground. Prior to construction Andy will be relocating that to the rear of the property line. There's no easement for that either.

Andy went on to describe the history of the house built by Darren Cope. The irrigation ditch access was approximately in the center of their property. Cope built a small cistern and circuitous pipeline around and under Joe and Trisha's house which resulted in the current unwieldy set-up existing there today. Andy said he will work with the ditch company to reconfigure the line to eliminate several unnecessary 45 and 90-degree angles. Commission members and the Town Clerk requested clarifications regarding the placement of ditches, manholes, and easements on the map Andy provided. He explained the markings and options for rebuilding the road once the proposed changes were made.

Chair Tim Arnold asked how much fill was added and where. Andy explained that the topography of his property is sloped from north to south, and also from west to east. At its deepest point underneath the trailer he added about two-and-a-half feet of fill dirt. He added that in the back of the property he removed three feet of soil from over an area of 50 by 15 feet. The remainder of the property received between zero to a foot of dirt.

Chair Arnold read the motion, whereas, the application for a grading/excavation permit located at 35 Bridge Road, Rockville, Utah, submitted by Andrew Green is complete, and whereas the following have been addressed and accepted by the Planning Commissioners: that the drainage was not disturbed, the easement for sewer was not disturbed or altered in any way, and all requirements were met for not requiring engineering, whereas the grading/excavation project complies with the Land Use Code, specifically Chapter 5 and does not conflict with the Rockville General Plan and does not conflict with the

nature of the community. Chair Arnold **MOVED** we approve this application. Linda **SECONDED** the motion.

Vote on Motion:

Ken Rybkiewicz: Aye
Garth Taylor: Aye
Linda Brinkley: Aye
Robin Smith: Aye
Tim Arnold: Aye

The motion passed unanimously.

5. CONSIDERATION AND ACTION ON A GRADING/EXCAVATION PERMIT APPLICATION TO ADD FILL DIRT ALONG THE SOUTH BOUNDARY OF ZEFF VONKURNATOWSKI'S PROPERTY

LOCATED AT 98 BRIDGE ROAD – ZEFF VONKURNATOWSKI: Zeff explained the opportunity he had to obtain 50 yards of free dirt, and where he placed it on his property. His map revealed the area where he put the dirt and he told of his plans to farm there and provide some foraging opportunities for rabbits and chickens. He tilled the clay into the existing sandy soil which he estimated may have raised the overall grade two or three inches over that area (about 10,000 square feet). The spreading of the free dirt there did not affect the contour of the land, with the exception of a small pit which was filled in. The drainage remains essentially the same as it was before the soil was added, water running towards the middle from both the north and south slopes. There were no changes to post-development contours nor any engineer plans. He took out two or three smaller cottonwood trees but left everything else undisturbed.

Chair Tim Arnold asked about Zeff's proposed deer fencing. Zeff said he's planning to install eleven-foot posts, sunk three feet into the ground. The posts will thus be eight feet above the ground equipped with fencing which will rest six feet above the ground, culminating in a one-foot line of barbed wire resulting in a total fencing height of seven feet. He indicated on his map the position of the earthen floor chicken coop he installed. The fence will be made of wire mesh. Zeff acknowledged most of what he wants to build is on the floodplain and he stated he's already submitted a floodplain permit which has yet to be approved.

Chair Arnold read the motion, whereas, the application for a grading/excavation permit located at 98 Bridge Road, Rockville, Utah, submitted by Zefferino and Ashley von Kurnatowski is complete, and whereas the following have been addressed and accepted by the Planning Commissioners: the drainage was not disturbed, there was no easement being violated, all requirements were met for not requiring engineering, and the floodplain permit is turned in and is awaiting approval, whereas this grading/excavation project complies with the Land Use Code, specifically Chapter 5 and does not conflict with the Rockville General Plan and does not conflict with the nature of the community. Chair Arnold **MOVED** to approve this application pending the receipt and approval of the floodplain permit. Garth **SECONDED** the motion.

Vote on Motion:

Ken Rybkiewicz: Aye
Garth Taylor: Aye
Linda Brinkley: Aye
Robin Smith: Aye
Tim Arnold: Aye

The motion passed unanimously.

6. APPROVAL OF THE MINUTES FOR THE MAY 9, 2023, REGULAR MEETING: Chair Arnold **MOVED** to approve the minutes for the May 9, 2023 Regular Meeting. Ken **SECONDED** the motion.

Vote on Motion:

Ken Rybkiewicz: Aye
Garth Taylor: Aye
Linda Brinkley: Aye
Robin Smith: Aye
Tim Arnold: Aye

The motion passed unanimously.

7. **APPROVAL OF THE MINUTES FOR THE MAY 9, 2023, WORK MEETING:** Linda **MOVED** to approve the minutes for the May 9, 2023 Work Meeting. Robin **SECONDED** the motion.

Vote on Motion:

Ken Rybkiewicz: Aye
Garth Taylor: Aye
Linda Brinkley: Aye
Robin Smith: Aye
Tim Arnold: Aye

The motion passed unanimously.

INFORMATION / DISCUSSION / NON-ACTION ITEMS

8. **PLANNING COMMISSION ADMINISTRATIVE BUSINESS**

- a. Next Planning Commission meeting will be Tuesday, July 11, 2023.

9. **ADJOURNMENT:** Linda **MOVED** to adjourn the meeting. Robin **SECONDED** the motion.

Vote on Motion:

Ken Rybkiewicz: Aye
Garth Taylor: Aye
Linda Brinkley: Aye
Robin Smith: Aye
Tim Arnold: Aye

The motion passed unanimously. The meeting adjourned at 6:34 p.m.

Minutes prepared by
Michael Hatfield
Town of Rockville

APPROVED:



Planning Commission Chair/Vice Chair

The foregoing minutes were posted in the foyer cabinet of the Rockville Town Office by

Wicks Bell at approximately 9:00 AM/PM on July 12, 2023, on Rockville's
Website and the Utah Public Notice Website. July 12, 2023.

Wicks Bell



Rockville Planning Commission
Regular Meeting
June 7, 2023 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

Michael Behling

2305 999 W

Andrew Green

35 BRIDGE ROAD

Jeff von

98 Bridge