

**STATE OF UTAH
COUNTY OF SEVIER
TOWN OF ANNABELLA**

Minutes from the Planning Commission meeting held on Monday, November 27, 2023, beginning at 6:02 p.m. in the Annabella Town Council Chambers, located at 295 East 300 North, Annabella, Utah. John Chartier conducted the meeting.

PLANNING COMMISSION

1. ROLL CALL
2. APPROVAL OF MINUTES
3. FORDS | BUILDING PERMIT
4. CONDITIONAL USE PERMITS
5. BUILDING PERMIT APPLICATIONS
6. ADJOURN

1. ROLL CALL. John Chartier, Kent Poulson, Jacob Olsen, Wade Ingram, Kelvin Johns and Lenny Hartle were all in attendance. Jill Anderson was in attendance to take minutes.

2. APPROVAL OF MINUTES. Lenny made a motion to accept the October Planning Commission Mtg. minutes. Kent seconded the motion the motion passed unanimously. Kelvin made a motion to accept the On-site Meeting minutes. Kent seconded the motion. The motion passed.

3. FORDS BUILDING PERMIT APPLICATION. In a letter from the Sevier County Building Dept. dated November 13, 2023, the Fords were notified that the building permit for their home was closed and invalidated due to failure to complete a final inspection before the due date. Annabella Town Planning Commission was advised by the town attorney that they should not have signed the original building permit until an agreement was made on the design and location of the cul-de-sac turnaround. Because of this, there hasn't been an agreement reached between Annabella Town and the Ford's on where the necessary turnaround should be located. This has caused much contention between the Ford's and the neighbors adjacent to their property on the North and South of 270 South. Since the existing turnaround has been blocked off at the Ford's property line, motorists have had no choice but to turn around in the driveways and property of the Robins/Jensen home to the North and the Reider's to the South. The Reider's and Robins/Jensen's have claimed this is causing hardship for them and property damage.

The Fords obtained one signature from councilman Jacob Olsen before Olsen had been advised by the Commission Chair to not sign the new permit until the commission had a chance to discuss the situation at the Planning and Zoning Meeting on November 27th. The Ford's were denied signing by other commission members. The county notified John that the Ford's had tried to submit the incomplete application.



John asked the commission what they would like to do given the current situation with Ford's building permit. He tried to contact the town attorney to ask what recourse would be recommended, but hadn't heard back from him as of PC meeting time. He reminded the commissioners that the attorney had previously advised them that they shouldn't have signed the permit until an agreement had been reached on the turnaround.

Kent agreed that he didn't think the commissioners should sign the permit until the attorney had been consulted, and the cul-de-sac requirements had been met desirably to the needs of the town citizens. He also pointed out that the original building permit didn't list extra outbuildings, a fence or pillars. Wade inquired if the outbuildings seen on Google Earth were new, and ~~not~~ included on the original building permit. John responded, "No", and told him that the buildings were never approved. John entertained a motion to withhold the required signatures for the Ford's new building permit until the town attorney can advise, and a desirable and affordable design and location for the turnaround can be agreed upon between the town and the Ford's. Lenny and Wade agreed with Kent on his opinion. Kent made the motion to deny the application until an agreement can be completed and documented with the town. Lenny seconded the motion. The motion passed unanimously.

John asked the commission what steps they would like to take moving forward. Jacob commented that he thinks the town should simplify the design to save time and money. Wade asked why the Ford's don't like the town's choice for the design. Lenny explained that the Fords have dug fencepost holes to install a pasture fence through what would be the middle of the turnaround on the town's preferred plan, but that the fence hasn't been approved by the planning commission.

Kent commented that the town had offered to buy the needed property from the Ford's when discussions first began on the situation. He suggested that the town purchase the property if the Fords are willing to sell it, but if not, the town should obtain an easement at no cost. Jacob commented that a cul-de-sac design in a new subdivision would be designed to match the town's choice for the 270 South turnaround. A developer would have to pay for the installation of the cul-de-sac, not the town. Wade and Lenny both agreed with Jacob that the commission should require that the cul-de-sac designs stay consistent throughout town.

John suggested that after consulting with the town attorney, the commission could offer the town's choice design to the Ford's with an offer to purchase the property or obtain an easement free of charge in exchange for signing the new building permit. Jacob asked what the approach should be for the unpermitted outbuildings. John answered that they would need to obtain a permit for them, but that the commission should keep those separate from the negotiations with the cul-de-sac.

Jacob made a motion that the Ford's building permit with his signature be invalidated since, to his knowledge, the situation had changed after his signature was obtained. The Ford's would be required to submit a new building permit with two new signatures dated after the November 27, 2023 meeting. Wade seconded the motion. The motion passed unanimously.

It was decided that the next meeting to discuss the cul-de-sac would take place in January 2024, unless Sevier County or the State of Utah required that the Ford's obtain a building permit before then.

John asked the council to consider which ordinance the Ford's non-compliant rock box pillars would fall under. He considered them part of a fence, but wanted the commission's opinion on which ordinance they would choose. Lenny commented that they are dangerous to motorists as they stand. Jacob added that they are an obstruction similar to a hedge or fence. They would need to be three feet off the road. John asked the commission members to review the Land Use Ordinance and pick which code they violate, so the town can cite a code violation.

4. BUSINESS LICENSE | MARISOL ROBINSON. Jacob made a motion to approve the business license for Marisol's speech therapy business with the condition that all property owners within 300 ft. sign the permit. The standard code requirements for parking would be required if, in the future, Mrs. Robinson decided to see clients at her home. She stated in the application that she would be traveling to meet with her clients elsewhere. Kent seconded the motion. The motion passed unanimously.

5. BUILDING PERMIT APPLICATION. Kent made a motion to approve the building permit application for John Mathis to move a shed to the back of his property. Wade seconded the motion. The motion passed.

Jacob proposed that the height restriction of 30 feet, and 2 ½ stories be printed on new building permit applications and require that applicants state building heights. Tina was notified and suggested having the town council review the codes and modify all of the codes needing correction in one meeting. The issue of what level to measure from would need to be resolved, whether it is ground level, walk-out basement level, street level, etc.

6. ADJOURN. John made a motion to adjourn the meeting. Wade seconded the motion. The motion passed, and the meeting adjourned at 7:05 p.m.



Kent Poulson
Planning Commission



Jill Anderson
Planning Commission Secretary