

STATE OF UTAH
COUNTY OF SEVIER
TOWN OF ANNABELLA

Minutes from the Planning Commission meeting held on Monday, June 24, 2024, beginning at 6:00 p.m. in the Annabella Town Council Chambers, located at 295 East 300 North, Annabella, Utah. Kent Poulson conducted the meeting.

Planning Commission

1. Roll call
2. Approval of minutes
3. Discuss the initial review of Annabella's subdivision code
4. Review the survey results for the cul-de-sac at 270 S. 400 E. and discuss the next steps
5. Review of current conditional use permit applications
6. Review of current building permit applications
7. Other business
8. Adjourn

Public in attendance:

Kolten Robins, Taya Jensen, Christopher Nielson, LaRayne Reider, Tyler Timmons, Mayor Brent Christensen

1. ROLL CALL. Kent Poulson, John Chartier, Lenny Hartle were in attendance and Kelvin Johns was in attendance via electronic participation (Zoom). Kathy Hayden was in attendance to take minutes.

2. APPROVAL OF MINUTES. An update of the minutes was provided. John made a motion to accept the minutes. Lenny seconded the motion. The motion passed.

3. INITIAL REVIEW OF ANNABELLA'S SUBDIVISION CODE
We will start with the survey results first.

4. SURVEY RESULTS FOR THE CUL-DE-SAC AT 270 SOUTH 400 EAST and discuss the next steps. Kent stopped by there and the option we put forward was marked on the ground. Posts have been placed. John went to look at it on the ground and it is a little hard to vision it with that property line coming in on an angle and the road going into it. He looked at the stakes and it was a little hard to vision how that goes around the property, but the stakes are 50-foot radius, and the actual road will be a 45-foot radius preposed with a two-foot gutter so it is in from those stakes three to five feet. It is a little bit hard to envision on your corner where the radius comes around and starts. It should just come around the corner and turn at the edge of the property. The option we chose by the commission was to stay on one piece of property and not go on either side. The stakes are all there at 50 feet for the road itself and the curb and gutter are behind that. They are three feet off the back of the curb. It gave us a little extra

room from buying the curb and buy that extra three feet even though we may not be using it. There would be extra so we don't run on any issues of coaching on any neighbors. Just to clarify, it was proposed to the Town Council. John saw when he viewed that from the south side to the north side there is four to five feet elevation difference there, but the center line cuts it. Hopefully when it gets designed by the engineer there is a pretty good balance from the south to the north to keep our drainage back to the southwest. Hopefully it will be cut and filled there so we don't have to haul stuff in and haul stuff out. We will have to see how the engineers design it, but the road does kind of slant back up in that area so it will be determined where the boxes for the drainage will be, so we don't get any in the neighbors' yards as well. Kent opened it up to the floor and asked if anyone had any comments, questions or things to talk about. It was asked if they have a time frame at this point. What was approved at last Town Council was to get the survey and the marking done out there as well as a scope so that will tell us the elevation around and how that is going to fit in. We are waiting for that to come back and at the same time a recommendation has been given to the Town Council to order an appraisal for that area so we can get a number of dollar amount that it appraises for so the Town Council has the ability to use that to decide what offer they are going to make for that property. Right now, it is in the Town Council to make the offers and proceed. We talked in our last meeting about the appraisal so we are getting there. Kent asked the Mayor if he had any comments and he said he had reviewed the information and it looked good to him. Kent asked Chris if he had any comments and he also thought it was good. Taya commented that if it would save the town money to skip the water meter, like they talked about prior, they don't care, it was their second choice. Their first choice was going to their property but that is ok as it stays away from the other people's house. They are far enough away from their house that the noise and light won't bother them, but it is close to the other house. They are all happy that this is going forward. Redoing the gutter would take care of the water problem and hope it would save the town money. The town will require drainage boxes on any of the options because there is nowhere to take that drainage, and we are going to require some dry wells in there for the drainage so the boxes will handle it. What about the gutter system? John commented that from the end of the road to back some ways there are some issues they are referring to, but we don't know how that is going to play out until we get some preliminary design on drain work and how to take care of it all together. Are you going to change the electrical and gas line? The town water meter will have to be moved but the gas line is buried, there is no meter there. There is a power meter behind the houses. The property, boxes, and other things will be taken care of as soon as the town owns the property. If the Fords deny the town's offer, are they still going to do the same things? Kent told them it is up to the Town Council at this point, there will be discussion, but it is the Town Council vote. As the people left, they thanked the Planning Commission for all they had done. Kent asked Chris if there was going to be another marking and he had talked to Trevor and just one was done. Chris printed some papers from all three families' choices. The Planning Commission has gone over these same options for the past year and to hear people saying something different after we ended this, there was no consensus. That was what was talked about through the whole process and determined by the town what was the best for the town if the neighbors can't agree to something. As the Planning Commission looked at different designs, this was the straight on design to be the best for the town. Chris shared some questions for the Planning Commission on his paper for example if they go with the green choice can they build a fence? The fence would have to be by ordinance. Can the neighborhood build an easement? Chris wasn't sure if

they needed to review these tonight. The Mayor asked where are we at right now? Kent said that the Planning commission has put the recommendation to the Town Council. The Town Council voted on that and that's what was voted on that the Planning Commission put forward. The green drawing is where the Town Council is and it was part of the email that came. The Town Council is now going to have to come up with what the dollar amount to offer the Fords. The reason it was staked out was the request of the Fords lawyer when he was here was to stake it out and make us an offer. That's what we've been doing.

Chris continued to explain the information and thoughts of his pictures. John commented that the Planning Commission has spent a year going over all these options. We couldn't get anyone to pin down. They were saying their preference or second choice was an absolute flat no and so it was really frustrating for a long time. So, the Planning Commission hasn't been given its good credit for the year we put into this and I'm going to say again we are very fair and just and couldn't get an answer so that's where we ended up with the recommendation. The Mayor said that it's important what has been said. It's been sent to the Town Council. Now it's Town Council decision and we will make that decision. It was mentioned that when the three families agreed with something and leave the meeting and then we find out that they didn't like it and they would start all over again. Even if the three families agreed publicly this is the option we want and then they would say oh no we have changed our mind so that is what a lot of the problems were. They agreed here but then changed their minds later. At this point it is the Town Council decision and if that's what you want to happen, that's what should be done. There is a lot they are dealing with, and they will continue to deal with it. Kent let everyone know this was just a discussion so there are no motions needed. The Planning Commission will probably not have this for any future business unless something comes back to them from the Town Council. If they push it back and want to see something different, we will but we put it to the Town Council and that is where it's at this point.

Discuss the initial review of the Annabella's subdivision code.

Tyler came to the table and it was noted that he is from the Hansen Planning Group that is doing a portion of what's required. The questions and Jacob's response are in the packet. A lot of this is dealing with single family and two family residential. We don't have two family residential in our town, it's just lumped in that way. Our subdivision code has to be updated to include the one and two family residential even though we don't allow two family residential, it's just the way it is. John commented, Hansen Planning Group went through and upfront explained what it is and some bolded, highlight short paragraphs. Most of that is what Hansens is going to help us with the subdivision. They're going to give us suggestions on how to fix each one of the bulletin items. There are two options, two phase approval, preliminary and final, or lump it all together and do just one application approval process for a subdivision. John's question is if we can keep the planning zoning as the preliminary landings authority and we can do all the heavy lifting on the reviews and everything in the preliminary, how does it get approved after that if the Town Council can't be the final approval body? Tyler responded that the Planning Commission can have up to four review cycles, two preliminary and two final, three preliminary and one final, however you want to structure it. The Planning Commission does the preliminary review and then staff is the final review and check it off. Tina would do the final review

and approve it, not the Town Council. The Town Council cannot be involved at all in any part of the process, the preliminary or the final. The idea behind it is if the Planning Commission did the first three reviews you would have it to the point of 100% ready to roll and all boxes have been checked and everything is how you want it enough to snuff your ordinance and say ok, they've got this and they've got this and approved. So, we're eliminated to four and that doesn't matter if we do that as a two phase or combined. John asked what the pros and cons are of going with two versus one, having a preliminary review and a final review as opposed to doing it all in one. If you have a preliminary review and then a final it gives you more opportunities to make sure you know everything is how you want it. You now have four total. We could do it all combined instead of having preliminary separate because it's totally administrative on that last cycle. For us there's not a big difference in the two cycles. Kelvin said he would like to have the preliminary reviews and then the one final. We get four total regardless. It's pretty slim that you get subdivision applications that come in and are perfect in the first go round so it's going to be back and forth. You're allowed to have a pre-application meeting that doesn't count in your four-review cycle. So, you can bring the developer in and review what they want to do and then when they officially make the application that's when the four reviews start. The two-phase sounds like it is a better approach. Tyler's opinion was to have the Planning Commission to do the first three and have Tina do the fourth final. Other towns hire an engineer to be part of the final review committee, and the fee would be for the subdivision. That may be a better route so that when you are on the second or third preliminary, have the Civil Engineer that you contracted with come in and make sure it is good from their standpoint and then have Tina to do final approval. Would you have the engineer come in the preliminary and the final and have the fee part of the subdivision fee structured around that to have that guidance? You probably cannot have him on the preliminary and final because Planning Commission cannot be part of the final. The perfect scenario is that the Planning Commission does maybe one review, engineer helps with the second review, and we have a checklist and be sure all the checklist has been taken care of. If it's Tina, she can just be sure the checklist has been taken care of. Bigger cities have more people to do that. Tyler read Enoc's subdivision ordinance was updated by Hansens Group and they have a City Engineer to work with the preliminary and the staff does the final. When you have more staff, a city engineer or city attorney, it makes it easier. If you can pass that cost onto the developer to hire an engineer to assist you with the review process is a smart way to do that. The Planning Commission probably needs to get an engineer, do we want to discuss and talk about who and how as far as the civil engineer is involved? Do we want to put that out to bid kind of like we did with the survey and say we are looking for somebody? That's kind of hard because we may not have one for ten years because we don't know the need for the scope of the work, but we need to know what the cost would be so we could include that with the cost of the subdivision. That's a good question. Can we just write that to say whatever fee we have from our engineer for review is passed through for the subdivision or do we have to find it upfront and say this is the cost and overestimated so we are covered? We need to review and think of all the fees that would go into the subdivision. It might not be a bad idea to put that out there about an engineer's 5-year contract where they define an hourly rate to help you and then assume they are going to be involved in three hours per application. It may not be the best idea but maybe they would say it would cost \$2500 and then it ends up being way more or way less. It may be a good idea, so you don't have to worry about the billing process each time you have a subdivision. We could let them know this is what we are trying to do so they don't need to spend a lot

of time on that. You could ask Mike because they have added that in on others so you could see how it's done with others using the civil engineer for their process. The Planning Commission can put one together that would consist of a Planning Commission person, a civil engineer, and Tina and they would do all three and then have someone else do the final review or not have Tina be on the review. The choice of staff doing the final review sounds good and Tina is the staff. You should have all the boxes checked and ready for the final review for the staff to be good. As far as the law changes say, we have to notify the water authority. If you are operating your own water system that's what it's about. On the preapplication the law says 15 business days by request, but we need every 30 days. Can we put in we'll accept a request for pre-application meeting from this day to this day to fall within our 15 days. Otherwise, we have to convene a special meeting whenever one comes in and that's just something we need to figure out. That might be the only benefit of having a review committee so they can have their own meeting when needed or you could just hold the Planning Commission meeting. The last three years we've only had one and that was busy. When we have a subdivision that's breaking a lot from an acre to two half acres lots. That's a subdivision, right? So we have to follow the requirements? We've had several of those who are splitting their lot. Do we have to go through all of that for just splitting? If someone is just splitting an agricultural partial lot of five acres into two that are two and a half partials, the subdivision does not apply to that. Recently we had someone with a little more than four acres, and they split it into four different lots. Would that be considered subdivision? Were they intending to develop those lots, yes. That might be considered a minor subdivision rather than a major subdivision. Something with under eight lots might be a minor subdivision instead of something with over eight lots is a major subdivision. The county is four lots or under for a minor subdivision anything over is major. The restrictions and rules are different for minor subdivisions. We would still go through the same steps no matter the same size. Even if it was just a lot split, they are flying through as long as the people agree. They don't get the same irrigation for both plots. The exception is if its an agricultural lot split, just taking and splitting it in half. We don't have anything like that now. Our biggest hurdle for the subdivision is the water rights. Is there developing of any land in the town that can hold the subdivision, or would it be out of town and annexed in? There might be a few lots that can be split in half but not anything major. There is phase two up on the hill with water lines there, but they still have to meet the water line requirements. They took their water back because they have pressure problems there. So, if someone comes back to do it that would follow within these guidelines because that is more than four lots. The major minor thing doesn't matter anyway. It is a flatted subdivision that has the water but there are other things that they have to do to get approved to open up what they want. It would probably follow this new process. This is going to help us meet the law changes but our technical specs on what we require need a major overall and we've got to get a panel on those so they're in our check list up front to be totally clean. If they have everything there it makes it really easy because we can review one time. The other thing thought about was not just the subdivision ordinance, we need to look at our zoning and things to tighten up. So, in addition to this we need to tighten up. Not by the end of this year but we need to put it in to where we start looking at it, like we kind of did with the plan for the town and where we start putting it all together and try to tighten things up and get the wording right so no one comes in and says you're not defining that so there is loop hole because it's not defined. Tyler is more than happy to help with that, especially if we've got specific ordinances or parts in your landing ordinances that you want to look at, we can just start working through them. Tyler could probably

attend all your Planning Commission 4th Monday meetings. Maybe we can just pick it apart one section at a time rather than doing the whole thing at once. We just need to clean it all up. Monroe city canal company is doing the same thing, they're piping their canal and Monroe is going to CIB to get money to put draining boxes and hook into the pipes so they will still utilize the canal company as a storm water drainage system. They're just going to have to get money to install the boxes into the pipes. Will our irrigation company work with us to do that? We're not talking to them about that right now. But that is something we're going to have to address in the near future. We can see how Monroe does it with CIB and how their project goes soon. If they are helping to upsize their pipes and that was something we did to help upsize their pipes to handle it that would make it more palatable. The thing we need to come out of our meeting with tonight is an answer to number one and two. The question is how everyone weighs in on number one, two phased or combined. Everyone responded they wanted two phase. The final inspection can be Tina and Scott or whoever the public works with, right? That would be the water authority for sure. Scott needs to understand that once it gets to him it's done. Scott's retiring in December.

#1 - everyone is agreeing on two phase.

#2 - if you prefer to stick with two phase approach, please let us know whether you would like to review subdivision improvement plans in preliminary or final phases. Preliminary was determined. Note, the Planning Commission cannot be the land use authority for the final phase.

#3 – whether you would like the process we develop to apply only to applications for 1-2 family residential use, or whether you would like all subdivisions in the Town to follow the same process. All subdivisions in our town are 1 family.

We keep our Planning Commission as the land use authority at the preliminary stage and review improvement plan at the preliminary stage. We could do up to the three stages and the fourth stage would be Tina. And there could be a pre meeting that took place and didn't count so you and the developer can chat and get the idea of what they're looking at before they submit. You can provide feedback at that meeting and give them a little bit of direction so their first application they submit is better. We need to put together some type of checklist of some things we have also discussed. That will come out as an improvement. Hansen Planning Group does that as part of this. They can propose one and we can fine tune it. Tyler has some templates for checklist if he doesn't provide a checklist. Do we need a motion for any of this tonight as far as the two phase and the preliminary? Do we respond back to him? Tina usually says in Town Council that it doesn't hurt to have a motion.

John proposed a motion that we choose to go with the two phase approach on approving subdivision and that we keep our Planning Commission as the landing authority to review subdivision improvements at the preliminary stage and have city staff be the final approval in subdivision review process. Lenny seconded it. Tyler questioned if they wanted to include civil engineers as part of the preliminary groups or just wait. John modified the motion to include the option of having a civil engineer helping the subdivision improvement by review.

We have a motion to use two phase approach with the Planning Commission being the preliminary that will also include a civil engineer to help with that process as an option and the final phase will be a town employee or employees. Lenny seconded the motion. All in favor. Motioned passed

Tyler was thanked for attending and he will attend the fourth Monday meeting of the Planning Commission. They usually don't have a July meeting but it's on the table if needed.

5. CONDITIONAL USE PERMIT APPLICATIONS

No current conditional use permit applications.

6. BUILDING PERMIT APPLICATIONS

Why do they give the permits without any city signatures? Like the re-roofing ones don't have any signatures. Do we need to go to the county and ask them about this? Kent will touch base with the county, let them know that it's town policy that we have signatures before they issue them and even on the re-roofing, we should probably be doing that so we stay within what the town ordinances are.

John makes the motion to approve the building permits as presented. Lanny seconded the motion.
All in favor. Motion passes

7. OTHER BUSINESS

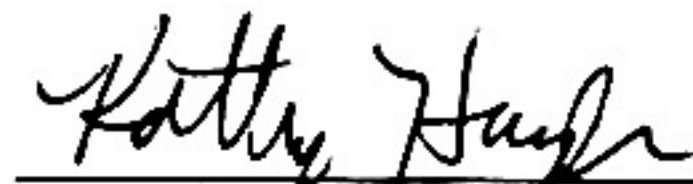
Chris had a question about major subdivision. The county has a minor subdivision that's four or less, major if it's more but as far as this ordinance we have to do for the subdivision ordinance the state legislature hasn't allowed us to stipulate between them, we have to use that for all subdivisions. Once we change this, we will have people fill out a full application regardless of split sights because that's what the state's making us do. The counties are making the changes as well. It shouldn't be any harder, more paperwork, but not harder. It's a good option to have a civil engineer to use sometimes when needed. The fee will be if we engage the engineer this will be the fee.

8. ADJOURN

John made a motion to adjourn the meeting. Kelvin seconded the motion. All in favor. The motion passed unanimously. The meeting was adjourned at 7:09 p.m.



Kent Poulson
Planning Commission Chairman



Kathy Hayden
Planning Commission Secretary