

STATE OF UTAH
COUNTY OF SEVIER
TOWN OF ANNABELLA

Minutes of the Planning Commission meeting held on August 24th, 2026, at 6:00p.m. in the Annabella Town Chambers located at 295 East 300 North, Annabella Utah. Chairman Kent Poulson conducted the meeting.

I. Planning Commission Meeting

A. Roll call

Present: Chairman Kent Poulson, Commission Member Kelvin Johns, Commission Member Lyndon Friant, Commission Member Devin Squire, Secretary Angel Nielsen.

Tyler Timmons was also in attendance. The Town Council will take official action in September to seat Tyler for the remainder of Wade Ingram's term ending December 31.

B. Approval of minutes

The minutes of the June Planning Commission meeting were presented for approval. No substantive discussion was raised, and members indicated they had reviewed the minutes and found them satisfactory.

Motion to approve the minutes from the June meeting was made by Commission Member Friant and seconded by Commission Member Squire. The motion carried unanimously.

II. Business

A. Discussion on Easement Standards and Easement Encroachment and Liability

The Commission engaged in an extended discussion regarding the town's current policies on easements, specifically concerning side yard utility easements and the permitting of structures built on or near them.

The discussion was initiated by Commission Member Squire, who summarized the concern from the prior meeting: that applicants for building permits should be required to supply a plat map so the Commission can verify easement locations before granting permits. A relevant provision was identified in the existing code under §13.11.310, which mandates that access and utility easements be recorded prior to building permit issuance for flag lots. It was noted, however, that this provision applies specifically to flag lots and does not address side yard easements more broadly.

Commission Member Friant drew attention to §13.9.404 Rear Yard, which already prohibits construction on plotted rear easements under Annabella town code, but observed that there is no equivalent restriction for side yard easements. The Commission agreed that this gap represents a meaningful oversight, particularly given that utility easements—for water, sewer, power, and gas lines—run alongside yards and require adequate clearance for future maintenance and installation. It was noted that neighboring jurisdictions, including Richfield City and Glenwood Town, prohibit any construction on public utility easements.

Three policy options were identified for the Commission's consideration:

- Do nothing and maintain the status quo, where construction on easements is permitted at the owner's risk.
- Prohibit construction on all recorded utility easements, including side yards, bringing the code into alignment with neighboring municipalities.

- Allow construction on easements subject to the property owner signing a recorded waiver acknowledging that any future utility work impacting the structure, including the additional cost of boring versus open trenching, or potential demolition—would be at the owner's expense.

Considerable discussion centered on the enforceability and practical limitations of the waiver approach. Commission Member Friant raised the concern that an unrecorded waiver could be lost or overlooked during a property sale, leaving future owners unaware of the obligation. It was agreed that any such waiver would need to be formally recorded with the county to be meaningful. Commission Member Friant ultimately expressed a preference for outright prohibition, citing the example that open-trench utility work costs approximately \$7 per foot compared to \$80 per foot for boring, and that allowing structures on easements effectively shifts those costs onto future town infrastructure projects or new property owners.

The Commission reached a working consensus to pursue Option 2, prohibiting permanent construction on recorded utility easements for both rear and side yards. The approach would be to amend the Annabella Land Use Ordinance to replicate the existing rear yard easement language into the side yard sections of each applicable zone, and to make a parallel update to the town code. It was also agreed that as an administrative change—not requiring a public hearing—the building permit application checklist would be updated to require submission of a plat map showing recorded easements as part of any permit application.

The Commission confirmed that amending the Land Use Ordinance and town code requires a public hearing, which was planned for the next regular meeting. Commission Member Squire indicated he would prepare draft language for distribution to the group in advance.

B. Review and Discuss Subdivision Ordinance Amendment

Commission Member Squire provided an update on the ongoing effort to replace the existing subdivision ordinance with a fully revised document. He explained that the existing ordinance contains several deficiencies, including the absence of an expiration or sunset provision for subdivision approvals—meaning that under the current ordinance, an application submitted today could theoretically remain valid indefinitely.

Squire reported that he had restructured the document to align numbering with the Land Use Ordinance, added missing definitions, and incorporated new provisions including an expiration clause for subdivision approvals. Secretary Nielsen noted that Tina Mitchell, Clerk, had indicated that, with so many revisions, it would be simpler to adopt a new replacement ordinance rather than amend the existing one piecemeal.

The Commission discussed the collaborative review process, with members encouraged to use the document's suggestion and comment features to flag any concerns or proposed edits. Commission Member Friant raised the possibility of scheduling a dedicated work session to review the document together, though the consensus was that asynchronous review followed by discussion at the next meeting would likely be sufficient.

The Commission set a goal of completing member review within two weeks so that Commission Member Squire would have time to incorporate feedback. A public hearing for the subdivision ordinance replacement was tentatively targeted for October or November. It was also noted that no annexation requests are currently pending, providing sufficient time to finalize the document before any immediate need arises. The Commission agreed that legal counsel should be asked to review the final draft before adoption.

C. Review of Current Conditional Use Permits

Secretary Nielsen confirmed that there are no current conditional use permits to review.

D. Review Building Permit Applications

The Commission reviewed four building permit applications. All have been previously signed by two Commission members, as indicated in the applications.

1. Reroof — Bradford, Lund: A straightforward reroof application, previously signed by Commission Member Johns and one other member. No concerns were raised.
2. Garage — Hunt Property: A garage building permit, previously signed in June by Commission Members Friant and Squire. The application was noted as meeting all applicable standards. No concerns were raised.
3. Garage/Shop — Daniel Sorensen: A 28-by-38-foot garage, previously signed in June by Commission Members Friant and Squire, located 3 feet from the north property line. Chairman Poulson noted that the application did not include documentation showing the distance from the existing house, though Commission Member Friant confirmed it is more than 10 feet. Separately, Chairman Poulson raised a concern regarding a

prior conditional approval on this same property, under which the owners had been permitted to bring in a manufactured home with the understanding that two existing structures on the south end of the lot would be demolished within five years of occupancy. The Commission acknowledged that this condition remains in effect and expressed confidence that it would be honored but noted for the record.

4. Outbuilding — Jesse and Michelle Knight: An outbuilding of approximately 1,500 square feet, previously signed by former Commission Members Wade Ingram and Lenny Hartle, Commission members noted that the foundation pad had already been poured and appeared larger than the permitted footprint, which may reflect an attached lean-to structure included in the permit. A concern was raised regarding the west setback, which was listed at 5 feet. Members discussed whether a recorded utility easement exists on the west (rear) side of the property, noting that Rocky Mountain Power had recently upgraded a transformer and run new lines in that area. It was acknowledged that without a plat map on file, the Commission had no reliable way to verify easement locations—reinforcing the earlier discussion about requiring plat maps with all future permit applications.

Motion to approve the building permit applications as presented was made by Commission Member Squire and seconded by Commission Member Timmons. The motion carried unanimously.

F. Other Business

Chairman Poulson announced the upcoming Fall Regional Growth Conference, scheduled for Thursday, October 22nd, 2026, from 5:00 to 9:00 PM. Topics were noted to include common audit issues and accounting solutions, flood and fire preparedness, capital improvement project financing, procurement procedures, land use application review, and public relations for local leaders. Members were encouraged to register through the link provided, with Secretary Nielsen offering to assist with registration if needed. It was noted that the town council also has relevant sessions available at the same event.

III. Adjourn

Motion to adjourn was made by Commission Member Friant and seconded by Commission Member Squire. The motion carried unanimously.

X

Kent Poulson
Chairman

X

Angel Nielsen
Secretary