STATE OF UTAH
COUNTY OF SEVIER
TOWN OF ANNABELLA

Minutes form the Annabella Town Planning Commission Meeting Minutes held on Monday, September 28, 2026, 6:00 PM in the Annabella Town Council Chambers, 295 East 300 North, Annabella, UT 84711
Conducting: Chairman Kent Poulson

I. Planning Commission Meeting

A. Roll Call

Present: Kent Poulson (Chairman), Kelvin Johns, Angel Nielsen (Secretary), Lyndon Friant, Devin Squire, Tyler Timmons

Absent: Lenny Hartle (excused)

B. Approval of Minutes

Member Friant raised a point of clarification regarding the minutes' notation that Member Tyler Timmons had been appointed to fill a vacating member's term ending December 31st. Chairman Poulson confirmed that this is standard practice — when a vacancy occurs, a new member is appointed to backfill the remainder of the existing term so that all commission terms do not expire simultaneously. The clarification was deemed satisfactory and no further changes were requested.

> Motion to approve the minutes as published was made by Member Kelvin Johns and seconded by Devin Squire. The motion carried unanimously.

II. Business

A. KC and Karrie Ford Building Permit

KC and Karrie Ford appeared before the Commission regarding two structures on their property: an 18×28 outbuilding and an 8×8 chicken coop with an adjacent covered roof structure. Secretary Nielsen provided background, noting that the matter had previously come before the Planning Commission, was referred to the Board of Adjustment, and the Board subsequently referred it back to the Planning Commission as a permitting matter rather than an adjustment issue. During that process, Mr. Ford experienced significant health challenges, causing the matter to be tabled until this meeting.

18×28 Outbuilding

The Fords presented documentation, including photos and correspondence from the county, demonstrating they had completed all requested due diligence. The structure features metal posts, a wooden truss roof, and is intended to be sided with metal. A central concern was that the building sits on the property line; however, the Commission noted a significant mitigating factor: behind the Fords' property lies a dedicated 10-foot utility corridor — formerly the South Bend Canal — which is not private property. Several neighboring properties have built fences and other structures into this corridor, though those owners have been informed they do so at their own risk. The Commission acknowledged the Fords' diligence in identifying and respecting this boundary rather than simply following their neighbors' example.

The Commission discussed the applicable ordinance language regarding "noncombustible" construction and the setback requirements, concluding that because no neighboring property adjoins the rear of the Ford lot — due to the intervening utility corridor — the intent of the setback ordinance (which is essentially a good-neighbor fire protection code) is satisfied. One member noted that water drainage from the roof must be controlled to remain on the Fords' own property. KC Ford confirmed the overhanging eaves would be cut flush, a rain gutter installed, and rain barrels used to capture all water runoff on their property. The county inspector had also reviewed the situation and confirmed it was acceptable, pending a follow-up email to the county permit office.

Motion to approve the building permit for the 18×28 outbuilding on the grounds that it meets the intent of the town's land use ordinance, given that the utility corridor behind the property effectively eliminates any shared rear property line concern, was made by Member Devin Squire and seconded by Tyler seconded the motion. The motion carried unanimously.

Secretary Nielsen agreed to send a follow-up email to county permit administrator Misty Robbins, copying all relevant parties, to confirm the Commission's approval.

8×8 Chicken Coop with Covered Structure

The Commission then discussed the chicken coop and its associated covered roof structure. The coop itself is approximately 8×8 feet, elevated off the ground, and sits more than 3 feet from the property line, satisfying the setback requirement. The adjacent covered roof structure, while larger in footprint than the coop alone, was determined to be a non-permanent (temporary) structure, as its metal posts are set into the ground without concrete footings and could be moved with equipment such as a forklift.

The Commission discussed at length what triggers a permit requirement — specifically, whether a structure under 120 square feet requires a permit. It was clarified that the 120 square-foot threshold before permit-required inspection is a county standard, and that the town's own ordinance language simply states that any building requires a permit without specifying a size threshold. Members noted this is a gap in the town's code that should be addressed in a future ordinance update.

The Commission ultimately determined that because the chicken coop structure is temporary and under 120 square feet, it does not require further permitting action. No formal vote was taken, as no permit was needed. Secretary Nielsen noted she would include this determination in her follow-up email to the county so that all parties are informed of the Commission's decision on both structures.

B. Final Review and Discussion of Subdivision and Land Use Ordinance Amendments

The Commission reviewed the status of the proposed Subdivision and Land Use Ordinance amendments. A member noted that formatting changes had been made to align the amendment document with the existing ordinance's style, and that some numbering inconsistencies remained due to insertions and reorganizations, with a final cleanup pass to be completed before adoption.

The Commission discussed the substance of the key amendments. The most significant addition was identified as the Expiration of Vested Rights provision, which closes a loophole under which an applicant could theoretically begin an application and then complete a subdivision or development years later under ordinances that existed at the time of the original application. The new language specifies that if an application expires due to the applicant's failure to respond within 180 days of a deadline, or if a preliminary approval expires before a final application is submitted, all vested rights are immediately voided and any new application must comply with ordinances in effect at the time of resubmission. The amendment also defines what constitutes a "complete" application to prevent incomplete submissions from being used to establish vested rights.

Other notable changes discussed included:

- Stormwater Management: Revised language replacing vague "disposal" language with a requirement that subdividers construct stormwater management facilities in accordance with an approved hydrologic study, and that under no circumstance shall stormwater be discharged in a manner that causes harm, flooding, or erosion to adjacent properties. Members noted the importance of this provision given that the Annabella Canal, which historically served as a drainage corridor, is being piped in and covered.
- Street Lighting: Updated to require streetlights at all public street intersections, cul-de-sacs, and at intervals not exceeding 400 feet along all streets, removing prior discretionary language.
- Reverse Curves: Changed to require certification by a licensed professional engineer rather than discretionary approval by the Planning Commission.
- Design Standards: Confirmed that any engineering and construction standards adopted by the Town Council by ordinance or resolution are incorporated by reference into the subdivision ordinance.
- Warranty Requirements: A one-year warranty provision for infrastructure, including a requirement for a final seal coat after the warranty period, was confirmed to be included.

The Commission also briefly discussed the second concurrent amendment being prepared — an update to the rear yard easement language to also prohibit construction on side-yard easements, consistent with a discussion from the prior month. This amendment has not yet been inserted into the document and remains pending.

The public hearing for both amendments had been scheduled for this meeting but was postponed because the documents were not finalized on time. The Commission agreed to target the October meeting for the public hearing, noting that at least 10 days' public notice is required. One member noted a scheduling conflict with a conference beginning Tuesday following the October meeting date and indicated he may need to participate remotely. The Commission also noted that pushing the hearing to November would create difficulties due to the Thanksgiving holiday, and that proceeding in October was strongly preferred.

C. Discussion on Code Violation Procedure

Secretary Nielsen raised a request from Mayor Chartier and town staff regarding whether the Planning Commission wished to resume a prior practice of receiving code violation complaints at monthly meetings and deciding whether to forward them to code enforcement officer Trevor Peterson. This had been the historical practice before Mayor Christenson changed the process to route complaints directly through staff and the mayor to code enforcement.

The Commission discussed the proposal and was generally in agreement that reinserting the Planning Commission into the code enforcement chain of custody does not add value and is outside the Commission's core role of reviewing and approving land use applications. Members noted that code enforcement is intended to be objective and that the ordinances should speak for themselves — if a violation exists, it should be Trevor Peterson's role to investigate the complaint, compare it to the ordinances, and take necessary enforcement action without requiring a layer of Planning Commission review.

The Commission expressed a preference for maintaining the current process, whereby complaints are received by staff, evaluated for legitimacy, and forwarded directly to the code enforcement officer. Secretary Nielsen agreed to communicate this position to town staff and indicated that Mayor Chartier could reach out to Chairman Poulson directly if there were additional context or concerns that the Commission had not yet considered.

D. Review of Current Conditional Use Permits

No current conditional use permits were presented for review.

E. Review Building Permit Applications

One building permit application was noted — a reroof for Kent Higgins— which was reported as already completed. No further action was required.

F. Other Business

Chairman Poulson reminded members of the upcoming fall Regional Growth Summit, noting that attendance fulfills continuing education requirements for Planning Commission members. Members were encouraged to register if they had not already done so.

III. Adjourn

Motion to adjourn was made by Lyndon Friant and seconded by Kelvin Johns. The motion carried unanimously.

Minutes prepared by Angel Nielsen, Planning Commission Secretary Town of Annabella | 295 East 300 North, P.O. Box 175, Annabella, UT 84711 | (435) 896-6571

X

Kent Poulson
Chairman

X

Angel Nielsen
Secretary