

**ESCALANTE CITY PLANNING AND ZONING
APRIL 9, 2024
REGULAR MEETING/ELECTRONIC MEETING - 6:00 P.M.
PUBLIC HEARING/ELECTRONIC MEETING- 6:00 P.M.
ESCALANTE CITY COUNCIL CHAMBERS - 56 N. 100 W.**

Chair Tara Woolsey called the regular meeting to order at 6:00 p.m. in the Escalante City Council Chambers.

Present at said meeting were Chair Woolsey, Commissioners Terry Olsen, Shane Meisenbach, Kristal Gurr, Paula Shakespear, Marlene Stowe and City Recorder Stephanie Steed. Commissioner Hayden Taylor was excused.

Also present were Garfield County Planner Kaden Figgins, Jerry Taylor, Monica Taylor, Leslie Venuti, Lawrence Barnes, Ed Shakespear, Brent Cottam, Ryan Cottam, Janalee Bernardo and Eric Andersen.

ADOPTION OF THE AGENDA

Commissioner Meisenbach moved to adopt the agenda as written. Commissioner Gurr seconded the motion. Motion carried with Commissioners Shakespear, Gurr, Olsen and Meisenbach voting aye.

APPROVAL OF MINUTES

MINUTES OF THE MARCH 12, 2024 MEETING

Commissioner Olsen moved to approve the minutes of the March 12, 2024 meeting as written. Commissioner Meisenbach seconded the motion. Motion carried with Commissioners Gurr, Meisenbach, Shakespear and Olsen voting aye.

OPEN PUBLIC HEARING

Commissioner Shakespear moved to open the Public Hearing at 6:04 p.m. Commissioner Gurr seconded the motion. Motion carried with Commissioners Olsen, Meisenbach, Gurr and Shakespear voting aye.

Chair Woolsey asked everyone to please sign in and turned the time over to the Garfield County Planner Kaden Figgins.

ZONE CHANGE ON HIGHWAY 12 COMMERCIAL PARCELS THAT ARE CURRENTLY ZONED C/R, R-M-7, AND/OR RR-1-20 TO C/R.

Garfield County Planner Kaden Figgins explained the proposed zone change. Mr. Figgins said he does not know the exact history of when the overlay on the zoning map was created but he believes it was 30 to 40 years ago. Mr. Figgins said when he is referring to an overlay, he is talking about the 500-foot buffer North and South of Highway 12 where there are several occurrences that are essentially two zoning districts within one parcel. Mr. Figgins said having

an overlay is not appropriate and the goal tonight is to fix it. Mr. Figgins said in the past the city and these property owners within this area have had an agreement that they can choose at the time of development whether they want to be residential or commercial. Mr. Figgins said this has worked in the past, but with this proposed zone change it will be a long-term permanent solution. Mr. Figgins said the proposed zone change would clear up any confusion and controversy like the Family Dollar store where 85% to 90% of that property is commercial but there were some residents that did not agree with the use. Mr. Figgins said the goal tonight is to identify each one of the parcels that have this kind of dual zone and then correct that by assigning the appropriate zone and in most cases, it will be a commercial/residential and removing that overlay.

Mr. Figgins explained the map parcel by parcel starting at the North side of Highway 12 on the West end of Town.

2 BUREAU OF LAND MANAGEMENT (BLM) PARCELS

Mr. Figgins explained Federal and State parcels cannot be zoned because Municipalities and Counties do not have jurisdiction over Federal and State land. Mr. Figgins said his recommendation to eliminate overlays on the zoning map would be to assign these parcels to the commercial zone and recognize that Escalante City does not have jurisdiction over Federal land.

PARCEL 4-22-325 – JET UTAH HOLDING LLC (RV PARK)

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.310 – GARFIELD COUNTY (ROAD SHED)

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.309- GRAND STARICASE-ESCALANTE PARTINERS

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.76 - ESCALANTE CITY PARK

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.461- GARFIELD COUNTY SCHOOL DISTRICT (OLD ELEMENTARY SCHOOL)

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.277 – SEYMOUR PROPERTIES LLC

Mr. Figgins said this parcel appears to be two parcels. Mr. Figgins explained the little red triangle piece and the piece that goes back to 50 North is one parcel. Mr. Figgins said due to no access off of Highway 12 and the only access off of 50 North Street his recommendation would be to zone this parcel residential (RR-1-20).

LESLIE VENUTI

Ms. Venuti said those parcels have all been changed so there is an acre and three quarters that comes off of Highway 12 but not off of 50 North. Ms. Venuti said it has an agriculture entrance

and UDOT is aware of that. Ms. Venuti explained whoever wants to develop it has to present it to UDOT first and then have traffic engineering done on it. City Recorder Steed asked Ms. Venuti if the entrance to the property off of 50 North exists. Ms. Venuti said with the lot line adjustments the only entrance to this parcel would be off Highway 12. Ms. Venuti said UDOT is aware of this and said if the parcel is used as residential, they would not need to do anything but if it is used as commercial, they would have to pay for an engineering certification and a traffic study. Ms. Venuti said this cannot be presented at this time because Seymour's are not presenting a building plan. City Recorder Steed asked if this parcel is 3.78 acres. Ms. Venuti said no it is 1.75 acres. Mr. Figgins asked if the parcel has been recorded as 1.75 acres. Ms. Venuti said yes it has all been recorded. Mr. Figgins said if you are representing Seymour's would they prefer it to be commercial. Ms. Venuti said residential or commercial.

Mr. Figgins said his concern with this parcel is the triangle part cannot be more than five to six feet and he would recommend the residential zone, especially where UDOT has not recognized it as commercial. Mr. Figgins said in the County if someone is asking for a zone change to commercial, they require the traffic study and if this parcel is already zoned commercial, they will miss that opportunity. Mr. Figgins said his recommendation would be zoning it residential (RR-1-20) especially where the existing entrance is for residential/agricultural.

PARCEL 4.22.657 – REED AND KAREN MUNSON TRUSTEE (HARDWARE STORE)

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.663 – MUNICIPAL BUILDING AUTHORITY OF ESCALANTE CITY (CLINIC)

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.532 – ED SHAKESPEAR

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.534 GARFIELD COUNTY SCHOOL DISTRICT (HIGH SCHOOL PARKING LOT)

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.533 – CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS (SEMINARY BUILDING)

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.633 – GARFIELD COUNTY SCHOOL DISTRICT (HIGH SCHOOL AND ELEMENTARY SCHOOL)

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.661 – ESCALANTE CITY (CEMETERY)

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

Chair Woolsey asked what the yellow slivers are on the end of the map. Mr. Figgins said

road or right of way easements that the surveyor has recorded or gaps in surveys. Mr. Figgins said the yellow sliver just east of the Cemetery is a platted road which is 360 South.

PARCEL 4.22.670 – GARFIELD COUNTY SCHOOL DISTRICT

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.669 VADA W MARTIN TRUSTEE

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

Mr. Figgins said that brings us to the Heritage Center which is already zoned commercial.

Mr. Figgins went back to the West end of town to the South side of Highway 12.

BLM PARCEL

Mr. Figgins said for the purpose of the map his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.543 AND 4.22.544 - LARRY THORNE & ET'AL

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.502 – ESCALANTE CITY PARK

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.448 – VICKIE MERCER

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.503 – GARKANE ENERGY

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.660 – MARK SAUNTO AND VICKI WREN TRUSTEE

City Recorder Steed explained this parcel is used for residential. Mr. Figgins asked if the owner was present. City Recorder Steed said they are not and she has not received any comments from them. Mr. Figgins said where this is a residential home he would recommend this parcel Multi-Family Residential (R-M-7).

PARCEL 4.22.391 – JOSH MICHELS

Mr. Figgins said this parcel has the commercial greenhouses on it so his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.273 – RR ESCALANTE LLC

Mr. Figgins said this parcel has the Family Dollar Store on it so his recommendation is to zone this parcel commercial (C/R).

Mr. Figgins said where the majority of 300 East is commercial and the next 3 parcels have a sliver of commercial in them, he would recommend squaring off the block and making them all commercial if the Commission agrees with that.

LESLIE VENUTI

Ms. Venuti said the property that Ray Alvey and Sylvia Alvey own is not on Main Street and does not have frontage on Main Street, they are both deceased and the property just sold. Ms. Venuti said that this parcel needs to be residential.

PARCEL 4.22.276 – ERRIN SOLIS

Mr. Figgins asked if anyone knew who owned this parcel. Commissioner Meisenbach said his mother-in-law owns it. Mr. Figgins asked if it should be commercial. Commissioner Meisenbach said he is assuming it should due to it being mostly commercial. Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.504 – JANEEN DUNCAN & RAYLENE WHITEFIELD

Mr. Figgins explained this parcel has a sliver that goes to Highway 12. Chair Woolsey asked if that is where the food truck is.

JERRY TAYLOR

Mr. Taylor said no, the food truck is on his parcel. Mr. Taylor explained that sliver was put there for access off Highway 12 because the property was going to have a grocery store there at one time.

Mr. Figgins said if everyone agrees his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.272 RAY L ALVEY

Mr. Figgins explained this parcel is at the intersection of 300 East 200 South. Mr. Figgins said after listening to what Ms. Venuti presented his recommendation is to zone this parcel Residential (RR-1-20).

PARCEL 4.22.269 - PINE TREE LLC

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

PARCEL 4.22.320 BRUCE MARTIN

Mr. Figgins said his recommendation is to zone this parcel commercial (C/R).

Mr. Figgins explained Parcel 4.22.535 is already zoned commercial (C/R)

PARCEL 4.22.536, 4.22.537 AND 4.22.538 – COTTAM HOLDING LLC (CANYON COUNTY LODGE)

Mr. Figgins said his recommendation is to zone these parcels commercial (C/R).

Mr. Figgins said this is his recommendation to the Planning Commission. Mr. Figgins said with the discussed zone changes it would resolve the forty years of heartache and there would not be any more interpretation or issues with dual zones.

Chair Woolsey said we will now open the public hearing up for public comments.
Chair Woolsey asked that anyone who comes up to speak state their name for the record.

LESLIE VENUTI

Ms. Venuti said on the Seymour's parcel you are recommending residential other than commercial. Ms. Venuti asked if the Seymour's disagree with that does she understand they have 10 days from today's date to file a protest. Mr. Figgins said the Planning Commission only makes a recommendation and so it would be 10 days from the date the City Council took the Planning Commission's recommendation. Mr. Figgins said it explains how the property owner can protest the amendment in the letter. Mr. Figgins said it can be filed three different ways, in person, by mail or by email.

Ms. Venuti said Catherine Barneys parcel is not on the list. City Recorder Steed said Catherine Barney did a zone change a few years ago and her parcel is commercial.

LAWRENCE BARNES

Mr. Barnes said there is 1 parcel he is curious about that was not talked about. Mr. Barnes said the owner came before the Planning Commission a few years ago and changed it to all commercial. Mr. Barnes asked if that would all stay commercial. Mr. Figgins said that is correct it is already all commercial. Mr. Barnes said it is a big extension down south into the residential areas, but it is going to stay commercial. Mr. Figgins said yes, the recommendation here is to not have dual zones. Mr. Figgins said if they were to request to subdivide that parcel with the highway frontage the North End of it could remain commercial and then the South could be residential. Mr. Barnes asked if it would take a lot split to do that. Mr. Figgins said yes you cannot have dual zones on one parcel. Mr. Barnes said this is consistent with the three lots to the East that will also be all commercial. Mr. Figgins said that is correct.

CLOSE PUBLIC HEARING

Commissioner Meisenbach moved to close the Public Hearing at 6:34 p.m. Commissioner Gurr seconded the motion. Motion carried with Commissioners Meisenbach, Olsen, Shakespear and Gurr voting aye.

DECISION ON ZONE CHANGE ON HIGHWAY 12 COMMERCIAL PARCELS THAT ARE CURRENTLY ZONED C/R, R-M-7, AND/OR RR-1-20 TO C/R.

Chair Woolsey asked if there were any questions from the commission or need for discussion. Commissioner Shakespear moved to recommend the proposed Zone Change to the City Council as recommended above by the Garfield County Planner Kaden Figgins for approval. Commissioner Olsen seconded the motion. Motion carried with Commissioners Meisenbach, Olsen, Gurr and Shakespear voting aye.

**Commissioner Meisenbach moved to adjourn the meeting at 6:36 p.m.
Commissioner Gurr seconded the motion. Motion carried all in favor.**

Stephanie Steed, MMC
City Recorder

Date minutes approved:

DRAFT



ESCALANTE CITY
TEMPORARY PERMIT OR CONDITIONAL USE PERMIT APPLICATION

Filing Fee: \$50.00

Name: Janalee Bernardo

Address: 1125 S. Center Street

Business: Escalante Towing & Recovery

Contact Person: Janalee Bernardo

1. PETITION

I/We request a Temporary Permit or Conditional Use permit to: (list below what you propose to build on or use the property for)

To Park a truck and trailer for
towing as well as a small State Impound yard.

2. DRAWING

Location of parcel in question, including access, acreage, north point. (Attach additional sheet if needed)

3. DISCRIPTION

Attach legal description of parcel.

4. APPLICANT SIGNATURE

Janalee Bernardo
Signature

May 9, 2024
Date

5. APPROVAL

Planning and Zoning Chairman

Date

Mayor

Date



ESCALANTE CITY TEMPORARY PERMIT OR CONDITIONAL USE PERMIT

Application for a temporary permit or conditional use permit shall be made at the City Office on forms provided for that purpose. The application for a temporary permit or conditional use permit shall require but shall not be limited to the following information.

1. The name, Business and address of the applicant.
2. The name and address of the manager or contact person for the applicant.
3. Two (2) copies of a plot plan with a legal description.
4. The present zone classification for the property.
5. A description of the proposed project and use of the land.
6. An estimate of the number of employees and the type of equipment and buildings to be used.
7. An estimate of the total project valuation.
8. An estimate of the time required for construction of the project, including the time required for construction of each phase if construction is to be made in phases.
9. A listing of all permits that may be required by state or federal agencies, with copies of such permits to be submitted to the Escalante City Planning Commission as soon as they are available.
10. A listing of all utilities which will be in place before, during and after construction-
11. Such other pertinent information as needed by the Zoning Official or the Escalante City Planning Commission to evaluate the application.

Answer to questions for conditional use permit for a Tow Truck and a small State Impound yard located at 1125 S. Center Street in Escalante, Utah.

1. Escalante Towing and Recovery, PO Box 141 Escalante, Utah 84726
2. Janalee Bernardo 1125 S. Center Street, Escalante, Utah 84726
- 3 Attached to this application are two copies of the plot plan and legal description.
4. The present zone is RR1.
5. My proposed project is to create a tow yard for one truck and trailer and a small State Impound Yard.
6. 1 employee on site. There will be a dodge flatbed truck and trailer. The State Impound yard will be 30 X 30.
- 7 No money will be spent on the project. Just relocating current State Impound Yard.
8. The time required to complete will be about 2 months.
9. There is a current business and State license in place for the proposed project.
10. No utilities are required
11. A conditional use permit is required for the Tow Yard and State Impound Yard

May 9, 2024

Dear Escalante Property Owner:

In accordance with the Escalante Planning and Zoning Ordinances, I am making a request for a Conditional Use Permit for a Towing and Impound Yard on my property located at 1125 South Center Street.

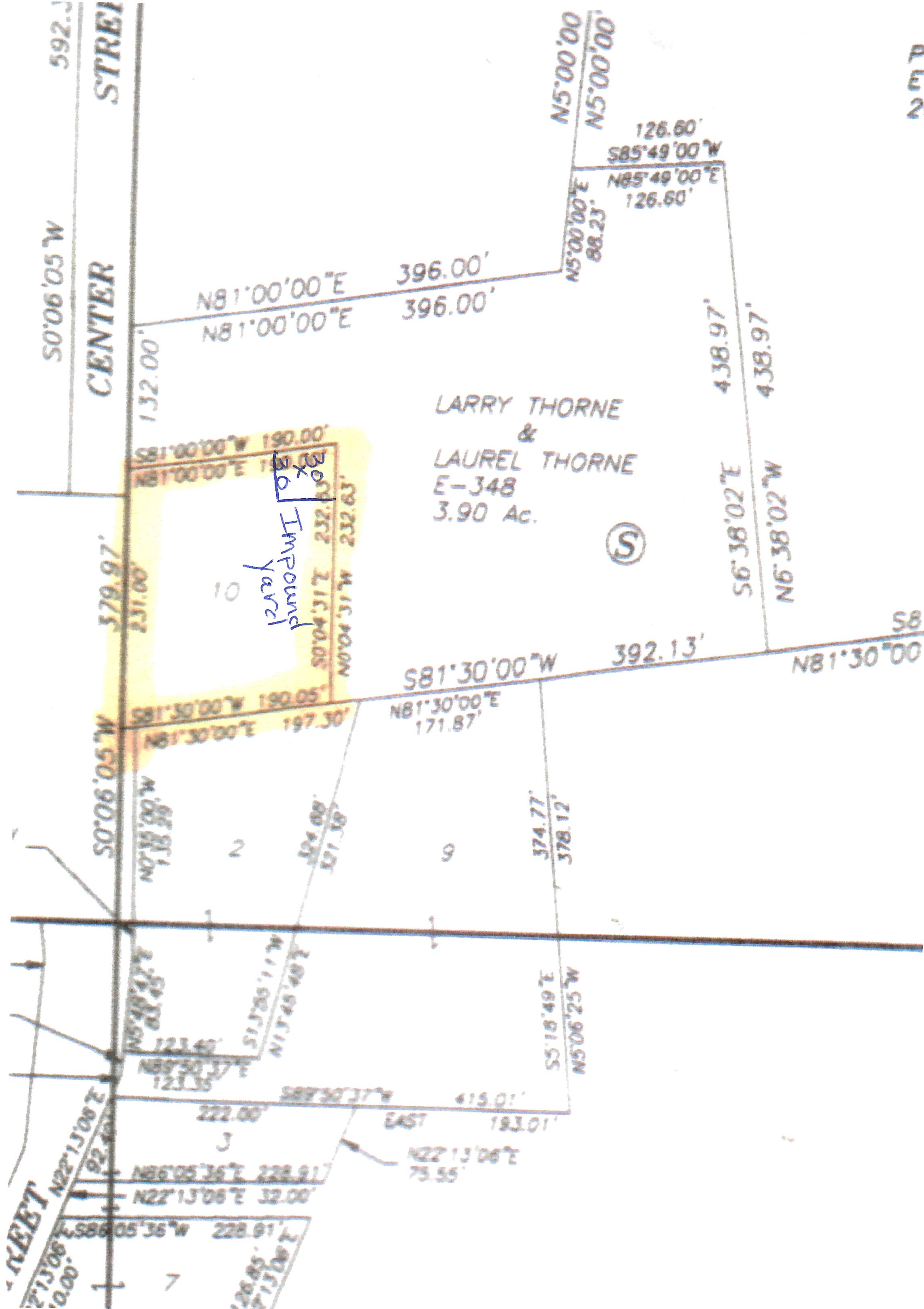
There will be a pickup truck parked on this property as well as a small State Impound Yard.

This request will be addressed at the Planning and Zoning Meeting on June 11, 2024 at 6:00 pm and the City Council on June 18, 2024 at 6:00 pm. In the Escalante Council Chambers located at 56 N. 100 W. Escalante, Utah. If you have any concerns or questions, you may attend the meeting or send written comments to Escalante City, P.O. Box 189, Escalante, Utah 84726.

Thank you for your consideration,

Sincerely,

A handwritten signature in blue ink that reads "Janalee Burnardo". The signature is written in a cursive, flowing style.



Mayor Torgersen and members of the Escalante City Planning Commission:
(% mtorgersen@escalantecity.com, ssteed@escalantecity.com)

June 8, 2024

RE: INITIAL REVIEW OF ESCALANTE CITY'S SUBDIVISION CODE

Thank you for partnering with our firm to update your subdivision code. My team has completed its initial audit of Escalante's subdivision ordinances. While many existing provisions are well designed and relevant, others have fallen out of compliance with state law (specifically with Utah Code §10-9a-6). Still other provisions could be adjusted to enhance administrative efficiency.

The major issues and opportunities for improvement are as follows:

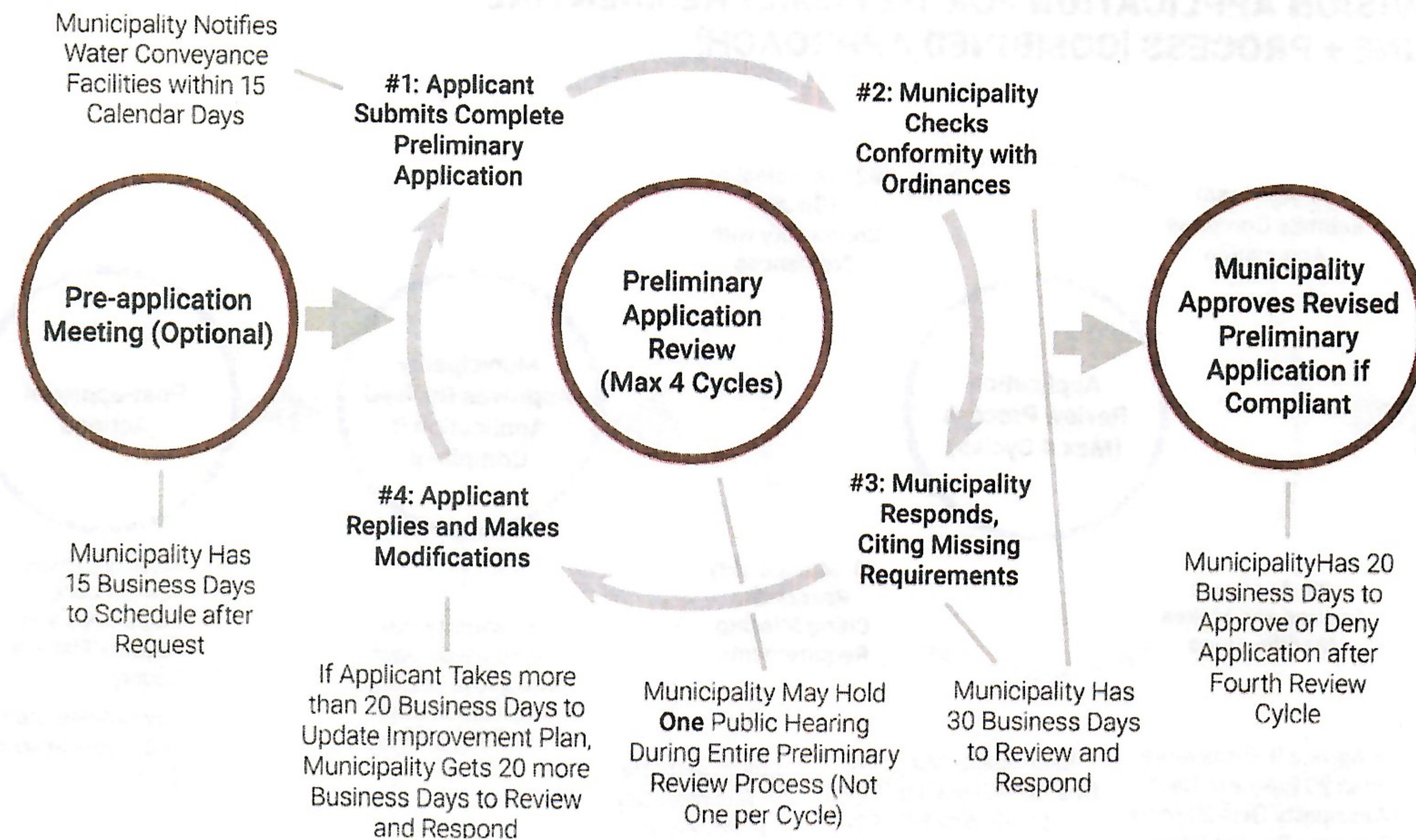
- **Add a new subdivision application review process for 1-2 family residential use.** SB174 (the 2023 bill requiring state-wide subdivision ordinance updates) and HB476 (the 2024 update) introduce a new review and approval process for subdivision applications involving one- or two-family residential development. The City's code will need a new section to implement this process. Key points to keep in mind are these:
 - The City Council can no longer be the subdivision land use authority for either preliminary or final applications (but it can be the appeal authority). The reason for this is that the state is trying to make reviewing and approving subdivision applications an administrative, not legislative process. For the same reason, the Planning Commission can no longer be the land use authority for final applications (but can for preliminary applications). Although these bodies are restricted from making some approval decisions, they can still be involved on the back end in the review process. The City can therefore continue to consider comments from the Mayor, City Council, and Planning Commission at all stages in the process. If it's important to the City that members of the City Council and Planning Commission still make final approval decisions, a potential workaround would be to create a "Subdivision/Development Review Committee" that includes members of the City Council and Planning Commission or other City staff. Ideally, this committee would be filled with individuals who have relevant technical backgrounds.
 - The City needs to describe an expedited timeline for review and approval. The City's current code gives the City an unlimited amount of time to review and approve final applications. Under the new state law, the City is required to complete an initial review of 1-2 family residential applications within **30 business days** after the developer submits a "complete" application. The City can require modifications, but can take no longer than **120 business days** total to review subdivision improvement plans.
 - The new law permits only one public hearing in the preliminary review process (and none in the final review process). The City's code currently provides for public hearing of a

- **Acknowledge and incorporate the state-wide plat exemption for agricultural land** as found in Utah Code §10-9a-605(2). This exemption allows agricultural land to be subdivided without a plat and with fewer restrictions as long as the land's use will remain agricultural.
- **Clarify language around performance guarantees and required improvements.** Section 10.54.150 of the City code will need some minor clarifying, especially after the code is adjusted to comply with SB174. The City code should specify an amount required for the performance bonds per Utah Code §10-9a-604.5(3)(b) rather than leaving this amount to the discretion of the City Engineer. A system for partial release of improvement completion assurances should also be included (§10-9a-604.5(3)(c)). Finally, the City needs to specify at least two forms of completion assurance (10-9a-604.5(3)(c)), where the City currently allows only one.
- **Add a provision noting that the City may void transfers of land not done in accordance with a valid subdivision plat.** State law provides this remedy. The City's current penalty is just a misdemeanor.
- **Add a small section addressing common area parcels on a plat** as per Utah Code §10-9a-606. This section describes the process by which common area parcels are conveyed or modified and restricts separate ownership of these parcels.
- **Consider adding a small section addressing condominiums.** State code (§10-9a-603(8)) requires that subdivision plats for "condominiums" contain additional elements. Stating these in the code will help both the City and developers be in compliance. (Note: this does not mean that the City has to change its zoning to permit condos or other multi-family development.)
- **Clarify and improve plat requirements.** The City code is relatively thorough in this area, but it is missing a few plat requirements, and a few other requirements could be clarified to guarantee state compliance and prevent bad development.
- **Clarify and improve recording requirements:**
 - The City's code does not currently specify timelines for recording or who should record. This should be updated to match state law. The new law (§10-9a-603(7)) requires that the owner record after their subdivision application has been approved, and a timeframe for this recording should be given.
 - State law (§10-9a-608(5)) requires that if a lot line adjustment is approved, the following must be recorded with the county: (1) a notice that the adjustment is approved by the land use authority and which recites the legal descriptions of both the original properties and the properties resulting from the adjustment and (2) a document of conveyance, which shall be recorded in the office of the county recorder. Section 10.54.270 of the City's code is relatively compliant but could use some refinement so as to include all of these requirements.

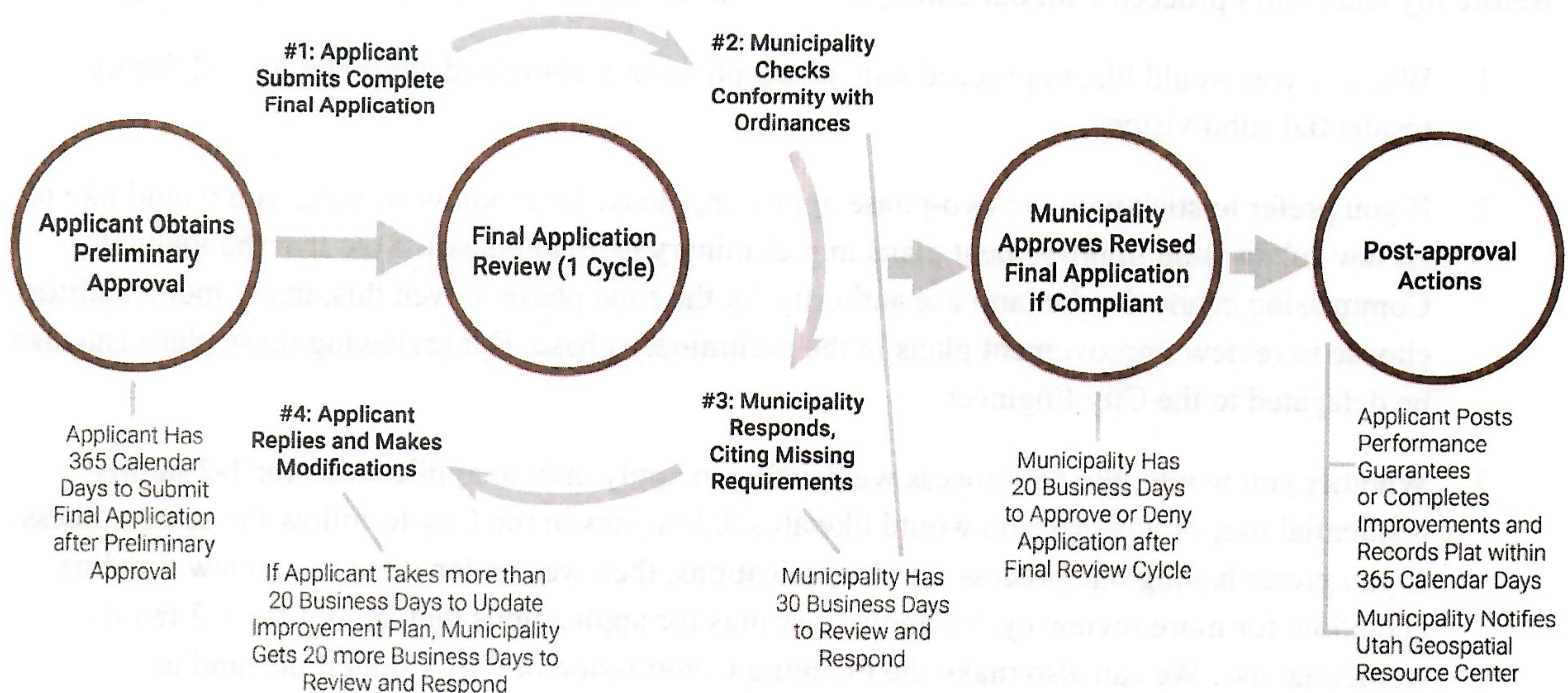
could become compliant with the new law is to adapt its current approach to reviewing 1-2 family residential subdivision applications to match the process described in the following flowcharts.



SUBDIVISION APPLICATION FOR 1-2 FAMILY RESIDENTIAL PRELIMINARY REVIEW PROCESS



SUBDIVISION APPLICATION FOR 1-2 FAMILY RESIDENTIAL FINAL REVIEW PROCESS



My team will soon begin drafting an amendment to the City's subdivision ordinances based on your feedback.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mike Hansen', with a stylized, flowing script.

Mike Hansen, Hansen Planning Group