

**ESCALANTE CITY PLANNING AND ZONING
APRIL 14, 2026
REGULAR MEETING/ELECTRONIC MEETING - 6:00 P.M.
WORK MEETING – IMMEDIATELY FOLLOWING THE REGULAR MEETING
ESCALANTE CITY COUNCIL CHAMBERS - 65 NORTH CENTER**

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

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

Also present was Lee Minchey.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES

MINUTES OF THE FEBRUARY 24, 2026 MEETING

Commissioner Taylor moved to approve the minutes of the February 24, 2026 meeting as written. Commissioner P. Shakespear seconded the motion. Motion carried with Commissioners P. Shakespear E. Shakespear, Taylor and Olsen voting aye.

SCHEDULED ITEMS

TROY AND LISA CRUMP - QUONSET HUT (ACCESSORY DWELLING UNIT) 599 E MOQUI LANE - RR-1-20

The Commission reviewed the project and had several questions. Ms. Crump inquired whether the property was limited to one primary residence and one Accessory Dwelling Unit (ADU), specifically asking if two homes were disallowed. A substantial discussion followed, during which Ms. Crump clarified that the proposed structure is an accessory building not an ADU. Commissioner Hayden moved to deny this project because it was submitted using the incorrect application for an Accessory Dwelling Unit when it is, in fact, an Accessory Building. Commissioner E Shakespear seconded the motion. Motion carried with Commissioners Olsen, Taylor, E. Shakespear and P. Shakespear voting aye.

LEE AND LORRI MINCHEY - LOT LINE ADJUSTMENTS 135 N 300 W / 100 N 375 W RR-1-20

Mr. Minchey explained the lot line adjustment. Mr. Minchey said the need for this adjustment arose when a survey, conducted for the sale of his property, revealed the discrepancy, and the new owners subsequently requested the fix. Mr. Minchey said the adjustment will involve

deeding a portion of his property and a portion of his wife's property to the neighbor, ensuring the neighbor's existing fence and shed are situated within their own property lines.

Commissioner Olsen moved to recommend the Municipal Project Approval Form for Mr. Minchey and Ms. Minchey in accordance with chapter 10.40.050 of the Planning and Zoning Ordinances to the City Council for approval. Commissioner P Shakespear seconded the motion. Motion carried with Commissioners P. Shakespear, E. Shakespear, Taylor and Olsen voting aye.

JORDAN MCDONALD - RV PADS WITH UTILITIES FOR FRANK MAY - 475 W MAIN - C/R

The Commission reviewed this application for RV pads at Mr. May's Motel property. Chair Woolsey explained to Mr. McDonald the application was incomplete due to missing setback information, proper mapping of all existing buildings and unclear details about the proposed RV park as it did not meet the requirements for an RV park. This item was discussed at length and Mr. McDonald said he will submit a new application. **Commissioner Taylor moved to deny this project due to an incomplete application. Commissioner E Shakespear seconded the motion. Motion carried with Commissioners P. Shakespear, Taylor, Olsen and E. Shakespear voting aye.**

Commissioner P. Shakespear moved to adjourn the meeting at 6:50 p.m. Commissioner Olsen seconded the motion. Motion carried all in favor.

Chair Woosley called the work meeting to order at 6:55 p.m. in the Escalante City Council Chambers.

Present at said meeting were Chair Woolsey, Commissioners E. Shakespear, Olsen, P. Shakespear, Taylor, Stowe and City Recorder Steed.

There was no one else present.

City Recorder Steed explained the proposed Ott Subdivision discussion has been canceled due to the Ott's not being able to attend.

The work meeting was to discuss Ordinances.

The work meeting adjourned at 7:15 p.m.

Stephanie Steed, MMC, UCC
City Recorder

Date minutes approved:

**ESCALANTE CITY
ORDINANCE 2026-05**

**AN ORDINANCE AMENDING ESCALANTE CITY ORDINANCE
10.36.070, 10.38.070, 10.40.070, 10.42.070, 10.44.070 AND 10.50.070 ADDING
LANDINGS AND WALKOUT PORCHES IN REAR CAN BE LOCATED WITHIN
THE REAR SETBACK, 10.50.020 TAKING OUT MULTI FAMILY DENSITY,
10.50.055 ADDING DENSITY REQUIREMENTS FOR SHORT TERM RENTALS
AND PROVIDING REPEALER WITHIN THE CITY OF ESCALANTE, STATE OF
UTAH.**

WHEREAS, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to adopt the following Ordinance; and

WHEREAS, The City Council and Mayor wish to adopt such an Ordinance.

NOW THEREFORE, be it ordained by the Council of the Escalante City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.36.070 Modifying Regulations” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.36.070 Modifying Regulations

- A. Side Yard setbacks (street side) on corner lots shall be the same as the front yard.
- B. Accessory buildings may have a side yard and rear yard of two (2) feet except on the street side of the corner lot.
- C. Any Landings and walkout porches can be located within the rear setback if:
 - No larger than 32 square feet in size
 - Used for ingress and egress from the rear
 - Is uncovered, connected to the rear of the dwelling

SECTION 2: **AMENDMENT** “10.38.070 Modifying Regulations” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.38.070 Modifying Regulations

- A. Side Yard: On corner lots, the side yard which faces on a street shall be not less than twenty-five (25) feet.
- B. Rear Yard: All accessory buildings shall be located at the rear of, and at least ten (10) feet from, the main building and shall have a rear yard setback of at least ten (10) feet.
- C. Any stable, corral, chicken coop, pen, or run in which animals or fowl are maintained shall be at least fifty (50) feet from any neighboring residential structure.
- D. Any Landings and walkout porches can be located within the rear setback if:
 - No larger than 32 square feet in size
 - Used for ingress and egress from the rear
 - Is uncovered, connected to the rear of the dwelling

SECTION 3: **AMENDMENT** “10.40.070 Modifying Regulations” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.40.070 Modifying Regulations

- A. Side Yards:
 - 1. Main buildings, other than dwellings, shall have a minimum side yard often (10) feet, and the total of the two side yards shall be a minimum of twenty (20) feet.
 - 2. Private garages and other accessory buildings if not attached located at least ten (10) feet behind the main building may have a side yard of two (2) feet, except that the street side yard of the corner lot shall be the same as the front yard setback required for that district.
- B. Rear Yards: Private garages and accessory buildings if not attached located at least ten (10) feet behind the main building may have a rear yard of two (2) feet, provided that on corner lots abutting on the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirements of the zoning district.
- C. Any Landings and walkout porches can be located within the rear setback if:
 - No larger than 32 square feet in size
 - Used for ingress and egress from the rear
 - Is uncovered, connected to the rear of the dwelling

SECTION 4: **AMENDMENT** “10.42.070 Modifying Regulations” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.42.070 Modifying Regulations

A. Side Yards:

1. Main buildings other than dwellings shall have a minimum side yard often (10) feet, and the total of the two side yards shall be a maximum of twenty (20) feet.
2. Private garages and other accessory buildings located at least ten (10) feet behind the main building may have a side yard of two (2) feet, except that the street side yard of the corner lot shall be the same as the front yard setback required for that district.

B. Rear Yards: Private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of two (2) feet, provided that on corner lots abutting on the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirements of the zoning district.

C. Any Landings and walkout porches can be located within the rear setback if:

- No larger than 32 square feet in size
- Used for ingress and egress from the rear
- Is uncovered, connected to the rear of the dwelling

SECTION 5: AMENDMENT “10.44.080 Modifying Regulations” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.44.080 Modifying Regulations

- A. Area: The minimum lot area shall be 1/4 acre (10,000 square feet) for the first one-family dwelling, with four thousand (4,000) square feet for each additional dwelling unit.
- B. Side Yards: Side yard setback on a street yard of a corner lot shall be the same as the front yard setback required for the district.
- C. Private garages and accessory buildings located at least ten (10) feet behind the main building may have a side yard of two (2) feet provided that all corner lots maintain a setback of twenty-five (25) feet on the street side.
- D. Rear Yards: Private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of two (2) feet, provided that on corner lots rearing the side of another lot the minimum rear yard for all buildings shall be the same as the minimum side yard requirement of the zoning district.
- E. Any Landings and walkout porches can be located within the rear setback if:
- No larger than 32 square feet in size
 - Used for ingress and egress from the rear
 - Is uncovered, connected to the rear of the dwelling

SECTION 6: **AMENDMENT** “10.50.020 Permitted Uses” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.50.020 Permitted Uses

A. Single-family uses subject to the following provisions

1. Height Regulations:

- a. No building may exceed thirty-five (35)) feet in height above existing grade. No dwelling shall be less than one (1) story in height.

2. Minimum Area, Width, And Yard Requirements:

- a. Minimum Area 1/4 acre
- b. Minimum Width 75'
- c. Front setback 25'
- d. Side and Rear setbacks 10'

3. Side Yards:

- a. Main buildings, other than dwellings, shall have a minimum side yard of (10) feet, and the total of the two side yards shall be a minimum of twenty (20) feet.
- b. Private garages and other accessory buildings located at least ten (10) feet behind the main building may have a side yard of two (2) feet, except that the street side yard of the corner lot shall be the same as the front yard setback required for that district.
- c. Rear Yards: Private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of two (2) feet, provided that on corner lots abutting on the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirements of the zoning district.

4. Modifying Regulations

a. Any Landings and walkout porches can be located within the rear setback if:

- No larger than 32 square feet in size
- Used for ingress and egress from the rear
- Is uncovered, connected to the rear of the dwelling

B. Art Gallery/Antique Shop.

C. Bank

D. Clinic

E. Food Services:

- 1. Bakery
- 2. Delicatessen
- 3. Restaurant

F. Florist/Gift Shop

G. General Retail:

1. Barber Shop
2. Drug store
3. Department store
4. Hardware store
5. Furniture store
6. Grocery store
7. Laundromat
8. Salon/Spa
9. Gift Shop

H. Professional Offices

I. Public Buildings

J. Recreation:

1. Bowling alley
2. Music store
3. Sporting goods store
4. Theater
5. Guide Services
6. Car Rental
7. OHV Rental
8. Bicycle Sales, Rental and Service Shop

K. Hotels, Motels and Inns

L. Churches

M. Gas Station

N. Alcoholic Beverage Services

O. Vacation Rentals

P. Bed and Breakfasts

Q. Accessory Dwelling Unit

R. Multi-family Dwellings: ~~(Following the Multi-Family Residential District Density Regulations and Modifying Regulations).~~

1. Two-family dwellings
2. Three-family dwellings
3. Four-family dwellings
4. Multi-family dwellings
5. Group dwellings

S. Second Story living quarters

T. RV Park

U. Real Estate Agency

SECTION 7: **AMENDMENT** “10.50.060 Special Provisions” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.50.060 Special Provisions

- A. All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight-obscuring fence or wall of not less than six (6) feet in height and neither materials nor merchandise shall be stored to a height of more than the height of the enclosing fence or wall.

SECTION 8: **ADOPTION** “10.50.055 Density Requirements For Short Term Rentals (Less Than 30 Days)” of the Escalante Zoning Code is hereby *added* as follows:

ADOPTION

10.50.055 Density Requirements For Short Term Rentals (Less Than 30 Days)(*Added*)

Maximum of nine (9) units per acre and one (1) building per quarter (1/4) acre (10,890 square feet)

SECTION 9: **REPEALER CLAUSE** Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

SECTION 10: **SEVERABILITY CLAUSE** If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby and effect shall be given to the intent manifested by the portion held invalid or inoperative

SECTION 11: **EFFECTIVE DATE** The City Council of Escalante City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Stowe	_____	_____	_____	_____
Councilmember Lyman	_____	_____	_____	_____
Councilmember Cottam	_____	_____	_____	_____
Councilmember Orme	_____	_____	_____	_____
Councilmember Woolsey	_____	_____	_____	_____

Presiding Officer

Attest

Melani Torgersen, Mayor, Escalante
City

Stephanie Steed, MMC, UCC, City
Recorder, Escalante City

**ESCALANTE CITY
ORDINANCE 2026-06**

**AN ORDINANCE AMENDING ESCALANTE CITY ORDINANCE 10.50 ADDING
10.50.045 ACCESS REQUIREMENTS AND 10.50.055 SETBACKS FOR
COMMERCIAL USE WITH NO ACCESS OFF HIGHWAY 12. REQUIREMENTS
AND PROVIDING REPEALER WITHIN THE CITY OF ESCALANTE, STATE OF
UTAH.**

WHEREAS, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to adopt the following Ordinance; and

WHEREAS, The City Council and Mayor wish to adopt such an Ordinance.

NOW THEREFORE, be it ordained by the Council of the Escalante City, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “10.50.045 Access Requirements” of the Escalante Zoning Code is hereby *added* as follows:

ADOPTION

10.50.045 Access Requirements(*Added*)

Commercial Access Requirements:

Minimum width of 66' if not accessed off Highway 12.

SECTION 2: **ADOPTION** “10.50.055 Minimum Area, Width, And Yard Regulations (Commercial Uses with no access off Highway 12)” of the Escalante Zoning Code is hereby *added* as follows:

ADOPTION

10.50.055 Minimum Area, Width, And Yard Regulations (Commercial Uses with no access off Highway 12)(*Added*)

Minimum Area, Width, And Yard Requirements:

A. Minimum Area 1/4 acre

B. Minimum Width 75'

C. Front setback 25'

D. Side and Rear setbacks 10'

SECTION 3: REPEALER CLAUSE Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

SECTION 4: SEVERABILITY CLAUSE If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby and effect shall be given to the intent manifested by the portion held invalid or inoperative.

SECTION 5: EFFECTIVE DATE The City Council of Escalante City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

SECTION 6: CUSTOM CLAUSE NAME

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Stowe	_____	_____	_____	_____
Councilmember Lyman	_____	_____	_____	_____
Councilmember Cottam	_____	_____	_____	_____
Councilmember Orme	_____	_____	_____	_____
Councilmember Woolsey	_____	_____	_____	_____

Presiding Officer

Attest

Melani Torgersen, Mayor, Escalante
City

Stephanie Steed, MMC, UCC, City
Recorder, Escalante City

**ESCALANTE CITY
ORDINANCE 2026-07**

**AN ORDINANCE AMENDING ESCALANTE CITY ORDINANCE 10.54.030 AND
10.02.050 STREET DEFINITION AND PROVIDING REPEALER WITHIN THE
CITY OF ESCALANTE, STATE OF UTAH.**

NOW THEREFORE, be it ordained by the Council of the Escalante City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.54.030 Definitions - Subdivisions" of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.54.030 Definitions - Subdivisions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; singular numbers shall include the plural, and the plural, the singular; the word "building" shall include the word "structure"; and the words "used" and "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the word "lot" includes the words plot or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other Ordinance adopted by the Escalante City Council:

BEGINNING OF CONSTRUCTION: Grading or removal of any vegetation or earth from a site for construction of access routes or preparation for excavation of building pads or footings.

BUILDING: Any structure used or intended to be used for the shelter or enclosure of a person, animals or property.

BUILDING, HEIGHT OF: The vertical distance from the average finished grade surface to the highest point of the building roof or coping.

BUILDING SET BACK LINE: A line parallel to the street line between which no building structure or portion thereof, may be erected, constructed or established.

BUILDING OFFICIAL: The official designated as the Building Inspector for Escalante City.

CAMPGROUND: A parcel designated and approved by Escalante City for occupancy by tents, trailers, motor homes or campers on a temporary basis.

CITY ENGINEER: The Escalante City Engineer or his duly authorized representative. (Ord. 1987 sec 1-3, 1987)

COMMISSION: Means the planning commission of the City, provided however, that the city board may act for and in the place of the planning commission, as set forth in Chapter/Section 24/111.

COMMISSION'S AUTHORIZED REPRESENTATIVE: Means the planning director or any other city employee or official who has been designated by the commission to represent the city enforcing or carrying out the function of the commission as set forth in this chapter.

COUNTY: County shall mean Garfield County, Utah.

CUL-DE-SAC: A street or passage that is only open on one end, which must measure 100 feet in radius at its termination.

DESIGN: Design refers to a street alignment, grades and widths, and alignment and widths of easements and right-of-way for roads, drainage, sewage, water supply and other utilities, lot area dimensions, and the treatment of such factors for the proposed use of the land.

DIVISION OF AGRICULTURE LAND FOR AGRICULTURE PURPOSES: A bona fide division or partition of agriculture land into two (2) or more parcels for agriculture purposes as defined herein.

DWELLING: Any building or portion thereof, which is designed for residential use, except the following: hotels, apartment hotels, boarding houses, lodging houses, motels, apartment motels, trailers, mobile homes, or dormitories.

DWELLING. SINGLE FAMILY: A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

DWELLING. MULTIPLE FAMILY: A building arranged or designed to be occupied by more than one (1) family.

EASEMENT: The acquired privilege or right-of-use or enjoyment that one person may have on the land of another.

ENGINEER: Means the engineer or a surveyor engaged by the subdivider to prepare a final map or to compile such data as may be required in connection therewith in accordance with the provisions of this chapter. Such engineer shall be a registered civil engineer in the State of Utah.

ESSENTIAL SERVICES: Utilities or sanitary and public safety facilities provided by a public or other governmental agency for overhead or surface or underground services, excluding any building, electrical substation and transmission lines.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption,

or a group of not more than four (4) persons (who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

FENCE: A physical barrier to delineate, contain, or designate an area designed for a specific use i.e., an enclosure for dwelling unit; an area for storage, etc.

FLOOD PLAIN: A highest area of land subject to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses within a hundred (100) year time frame.

FRONTAGE BLOCK: All property fronting on one (1) side of the street between intersecting streets or between a street and a right-of-way, waterway, end of dead end street, or political subdivision boundaries, measured along the street line. An intersecting street shall determine only the boundary of the frontage on the side of the street which it intersects.

GEOLOGICAL HAZARD: A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure or shifting of the earth.

GRADE: For buildings adjoining one (1) street, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings adjoining more than one (1) street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

HIS: Refers to male or female gender.

IMPROVEMENT PLAN: A plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

IRRIGATED LAND: Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man-made improvements.

LANE: A street, either one-way or two-way, with a width less than fifty (50) feet.

LAND USE AUTHORITY: An individual, board, or commission appointed or employed by a municipality to make land use decisions. "Land Use Authority" includes any appropriately authorized designees.

LAND USE APPLICATION: An application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.

LOT: A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a

recorded subdivision plat, or shown on a plot used in the lease or offer of lease or sale of land resulting from the division of a larger tract into two (2) or more smaller units.

LOT CORNER: A lot abutting two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

LOT DEPTH: The horizontal lines bounding the lot.

LOT LINES: The property lines bounding the lot.

LOT LINE ADJUSTMENT: The relocation of the property boundary line between two adjoining lots with the consent of the owners of record.

LOT LINES, FRONT: For the interior lot, the lot line adjoining the street; for the corner lot or through lot, the lot adjoining either street as elected by the lot owner.

LOT LINE, REAR: Ordinarily, the line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the lot line. In cases where these definitions are not applicable, the Garfield County Building Inspector shall designate the rear lot line.

LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. In an interior lot, a side lot line separates a lot from another lot or lots. In a street side lot, a side line separates a lot from a street.

LOT RIGHT OF WAY: A strip of land not less than sixteen (16) feet in width connecting a lot to a street for the use as private access to that lot.

MASTER PLAN: A long range policy plan prepared and adopted by Escalante City to guide Escalante City growth.

MOBILE HOME: A detached single family dwelling unit of not less than forty-five (45) feet in length, designed for long term occupancy, and to be transported on its own wheels or on a flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or a shower, kitchen facilities, and plumbing and electrical connections for attachment to appropriate external systems, and ready for occupancy for connections to utilities and other minor work. Double wide mobile homes which are placed on permanent foundations which meet all applicable building and housing codes, and contain at least one-thousand (1,000) square feet of floor space shall be regulated as conventional housing.

MOBILE HOME LOT: A lot within a mobile home subdivision, designated and to be used for accommodation of one (1) mobile home.

MOBILE HOME PARK: Land designated and approved by Escalante City for occupancy by mobile homes, to be under single ownership or management, and meeting all other local

and state requirements for Mobile Home Parks.

MOBILE HOME SUBDIVISION: A subdivision designed and intended for the residential use where the lots are to be individually owned or leased, and occupied by mobile homes exclusively.

MODULAR HOME: A permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site; modular home is classified as an unfinished structure until it is placed on a permanent foundation and complies with all governing building codes.

OFF-SITE FACILITIES: Improvements not on individual lots but generally within the boundaries of the subdivision which they serve.

OFFICIAL MAP: The official map or maps adopted by Escalante City pursuant to the city zoning and planning enabling legislation.

ON-SITE FACILITIES: Construction or placement of the dwelling and its appurtenant improvements on a lot.

OPEN SPACE: The area reserved for parks, court, playgrounds, golf courses, and other similar open areas to meet density requirements.

PARCEL OF LAND: Contiguous land owned by and recorded as the property of the person. Land under one (1) ownership but physically divided by a public highway, road or street is considered contiguous under this definition.

PARKING LOT: An open area other than a street, used for the parking of more than four (4) automobiles and available for public use, for compensation, or accommodations for clients or customers.

PLAT: An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

PLOT PLAN: The plat of a lot, drawn to scale showing it's actual measurements, the size and location of any existing buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by Escalante City Planning and Zoning Commission.

PLAT MAP: Means a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. Such map need not be drawn upon an accurate survey of the property. The plat map is essentially a study plan, which will be made part of the subdivision application plat.

PROTECTIVE STRIP: A strip of land between the boundary of a subdivision and street within a subdivision, for the purpose of controlling access to the street by property owners

abutting the subdivision.

RECREATIONAL COACH: A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motor power, designated and/or constructed to travel on the public thoroughfares in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

RECREATIONAL COACH PARK: Any park or tract of land or a separate designated section within a Mobile Home Park where lots are rented out or held out for rent to one (1) or more owners or users of recreational coaches for a temporary time not to exceed one-hundred and twenty (120) days. Such parks may also be designated as "overnight" parks.

SINGLE PARCEL SPLIT: A single parcel split allows a landowner to divide a single tract of land into no more than 2 tracts without going through the subdivision ordinance. There is a five year waiting period before the lot can be split again.

STREETS: A street is a thoroughfare which has been approved by the City, which the City has acquired by prescriptive right or which the City owns, or has approved on an approved plat, or a thoroughfare of at least ~~fifty (50)~~ sixty eight (68) feet in width which has been abandoned or made public by right of use land and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards. A street total right-of-way from property line to property line is sixty-eight (68) feet, with twenty-eight (28) feet for vehicle travel; with the remaining forty (40) feet split evenly as twenty (20) feet on each side, typically used for sidewalks, shoulders, curbs, landscaping, drainage, or utilities.

MAJOR STREET: A street existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET COLLECTOR: A street, existing or proposed, which is the main means of access to the major street system.

MINOR STREET: A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of the neighborhood.

MARGINAL ACCESS STREET: A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

PRIVATE STREET: A thoroughfare within a subdivision which has been reserved by dedication onto the subdivider or lot owners to be used as private access to served the lots planned within the subdivision and comply with the adopted street cross section standards of Escalante City and maintained by the subdivider or other private agency.

SUBDIVIDER: Any person, developer, firm, corporation, partnership or association who

causes land to be divided into a subdivision for himself or others.

SUBDIVISION AUTHORIZED REPRESENTATIVE: Any person who has been designated by the subdivider in writing, which designation has been filed with the planning commission, as the authorized person to represent the subdivider.

SUBDIVISION: . Any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

a. Subdivision includes:

- i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- ii. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

b. Subdivision does not include:

- i. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
- ii. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
- iii. A joining of one or more lots to a parcel;
- iv. A road, street, or highway dedication plat; or
- v. A deed or easement for a road, street, or highway purpose.

SUBDIVISION, MINOR: Any subdivision resulting in three (3) or fewer buildable parcels where each lot is fronted by a dedicated and improved public street and where the subdivision does not require the construction of any new streets or other public improvements.

SURVEY-BOUNDARY: is used to determine the exact location of property boundaries and corners of a piece of land. A boundary survey may be used to settle legal disputes or local easements or for personal records.

SURVEY-LAND: is a drawing that shows exactly where the boundaries of a property are. A survey will also lay out the dimensions and location of any buildings or other site improvements on the property.

VICINITY PLAN: A map or drawing to scale showing the physical relationship of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classification of all land within three hundred(300) feet of the property proposed for development.

SECTION 2: AMENDMENT “10.02.050 Definitions - Zoning” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.02.050 Definitions - Zoning

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future. The singular number shall include the plural, and the plural the singular. The word "building" shall include "structure". The words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied. The word "shall" is mandatory and not directory, and the word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "lot" includes the word plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by the local jurisdiction.

ACCESSORY USE or BUILDING: A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, commercial greenhouses, breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packaging plants, fur farms, animal hospitals, or similar uses.

AGRICULTURAL INDUSTRY or BUSINESS: An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the Planning Commission.

AIRPORT: An area of land designed and set aside for the landing and the taking off of aircraft plus aircraft storage and service.

ANIMALS: Animals shall include the following: horses, cows, sheep, goats and fowl, excluding pigs.

ARCHITECTURAL PROJECTION: Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

AUTOMATIC CAR WASH: A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1.5) tons.

AUTOMOBILE SERVICE STATION: A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating or automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.

AVERAGE PERCENT OF SLOPE: An expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart, measured on a horizontal plane is a one hundred (100) percent slope.

BASEMENT HOUSE: A residential structure without a full story structure above grade.

BEGINNING CONSTRUCTION: The excavation of the site and/or breaking ground.

BED & BREAKFAST ESTABLISHMENTS: A lodging facility, with no more than six guest rooms, located within an existing single family residence which caters to the vacationing or traveling public.

BLOCK: The land surrounded by streets or other rights-of-way, other than an alley, or land which is designed as a block on any recorded subdivision plat.

BOARDING HOUSE: A dwelling where, for compensation, meals are provided for at least three (3) but not more than fifteen (15) persons.

BODY AND FENDER SHOP: A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding.

BREEZE-WAY: A porch or roofed passageway open on the sides, for connecting two buildings, as a house and a garage.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding fifteen (15) percent shall not be considered buildable area unless it is approved by conditional use permit for construction, after

study by a geologist, soils engineer, or sanitarian as required by the Planning Commission.

BUILDING: Any structure used or intended to be used for the shelter, of enclosure or persons, animals, or property.

BUILDING, ACCESSORY: A building which is subordinate to, and the use of which is incidental to, that of the main building, or use on the same lot.

BUILDING, HEIGHT OF: The vertical distance from the average finished grade surface to the highest point of the building roof or coping.

BUILDING INSPECTOR: The official designated as the building inspector for the City of Escalante by the Escalante City Council. The Escalante City Building Inspector may also be the Escalante City Zoning Administrator, if so designated.

CAMPGROUND: A public area designated by a public agency for camping, or a private area licensed by the City of Escalante for camping.

CAMP HOST: Camp Host(S) (or campground host(S)) is an RVer who lives on-site and provides services to the campground's guests to ensure they have an enjoyable stay

CAMPING: A temporary establishment of living facilities such as tents or recreational coaches as regulated by this ordinance.

CARPORT: A private garage not completely enclosed by walls or doors. For the purpose of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

CELLAR: A room or rooms wholly under the surface of the ground, or having more than fifty (50) percent of its floor to ceiling height under the average level of the adjoining ground.

CHILD NURSERY: A duly licensed establishment for the care and/or the instruction of six (6) or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

CHURCH: A building, together with its accessory buildings and uses, maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.

CLINIC, DENTAL or MEDICAL: A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and or a medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

CLUB, SOCIAL: Any organization, group, or association supported by its members where the sole purpose is to render a service of said members and their guests.

CONDITIONAL USE: A use of land for which a conditional use permit is required, pursuant

to this Ordinance.

CONDOMINIUM: An ownership structure established in accordance with the Utah Condominium Act.

CORRAL: A space, other than a building used for the confinement of animals or fowl.

COURT: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

COVERAGE, BUILDING: The percent of the total site area covered by buildings.

CROSSWALK or WALKWAY: A right-of-way to facilitate pedestrian access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way at grade, or separated from vehicular traffic.

DISTRICT: A portion of the territory of the City of Escalante Established as a zoning district by this ordinance, within which certain uniform regulations and requirements or various combinations thereof apply under the provision of this Ordinance; also includes "zone", and "zoning district."

DRIVEWAY: A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

DWELLING: Any building or portion thereof designed or used as the permanent residence or sleeping place of one or more persons, but not including a tent, recreational coach, hotel, hospital, or nursing home.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit. Two structures connected by a Breezeway IS NOT a single dwelling.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING, THREE FAMILY: A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.

DWELLING, FOUR-FAMILY: A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.

DWELLING, MULTI-FAMILY: A building arranged or designed to be occupied by more than four (4) families, the structure having more than four (4) dwelling units.

DWELLING GROUP: A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

DWELLING UNIT: One or more rooms in a dwelling, apartment hotel, or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.

ESSENTIAL FACILITIES: Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical sub-station or transmission line of seventy (70) KV or greater capacity, except by conditional use permit.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

FENCE: A physical barrier to delineate, contain, or designate an area designed for a specific use i.e. and enclosure for a dwelling unit, an area of storage, etc.

FLOOD HAZARD: A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

FLOOR AREA: Area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

FRONTAGE, BLOCK: All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

FRONTAGE, LOT: The lineal measurement of the front lot line.

GARAGE, PRIVATE: A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles.

GARAGE, REPAIR: A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidentals storage, care, washing, or sale of automobiles.

GEOLOGICAL HAZARD: A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.

GRADE:

- A. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- B. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets.
- C. For buildings having no wall adjoining the street, the average level of the natural surface of the ground adjacent to the centers of all exterior walls of the building.
- D. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

GLAMPING: A shorthand term for glamorous camping. for the purpose of this ordinance, Glamping shall be used to describe canvas or membrane-covered frame structures or recreational coach's located in areas that offer outdoor camping experiences with amenities such as, but not limited to: beds, electricity, heat and indoor plumbing usually not used when camping traditionally.

GLAMPING UNIT: A canvas or membrane-covered frame structure or recreational coach designed to be used or occupied for commercial, transient or recreational purposes. Glamping Unit structures include, but are not limited to: tents, yurts, teepees, covered wagons, inflatable spheres, geodesic domes, recreational coaches, etc.

GOVERNING BODY: The elected legislative body of the City of Escalante.

HOME OCCUPATION: Any use conducted entirely within a dwelling or accessory building and carried on by persons residing in the dwelling, occupying no more than twenty-five (25) percent of the dwelling which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The person residing in the dwelling must own and operate the home occupation.

HOSPITAL: Institution for the diagnosis, treatment, and care of human illness or infirmity, but not including sanitariums and clinics.

HOTEL: A building designated for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are for compensation, lodged, with or without meals.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this Ordinance. Household pets shall not include the keeping of dangerous animals.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other was to salvage materials dismantled, junked, or wrecked automobiles or parts thereof, and old or scrap ferrous or non-ferrous metal materials.

JUNKYARD: The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

KENNEL: Any premises where three (6) or more dogs older than two (2) months are kept for commercial boarding, breeding, or sale.

LOCAL ATTORNEY: The attorney employed by or officially representing the City of Escalante.

LOCAL BUILDING INSPECTOR: The City of Escalante Building Inspector employed by or officially representing the City of Escalante.

LIVESTOCK: "Livestock" means a domestic animal or fur-bearer raised or kept for profit, including: cattle, sheep, goats, swine, horses, mules, poultry and domesticated elk.

LOCAL ENGINEER: The engineer employed by or officially representing the City of Escalante.

LOCAL HEALTH OFFICER: The health officer or department employed by or officially representing the City of Escalante.

LOCAL JURISDICTION: The City of Escalante.

LOCAL PLANNER: The planner employed by or officially representing the City of Escalante.

LOT: A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a place or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

LOT DEPTH: The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

LOT, INTERIOR: A lot with no defined public street access.

LOT LINES: The property lines bounding the lot.

LOT LINE, FRONT: For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

LOT LINE, REAR: Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line then (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the City of Escalante Building Inspector shall designate the rear lot line.

LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots in an interior side lot line, a side lot line separating a lot from a street is a street side lot line.

LOT, RIGHT-OF-WAY: A strip of land connecting a lot to a street for use as private access to that lot.

MAINTENANCE: The condition of being maintained and/or supported. The act or fact or keeping up or in repair. The upkeep or preservation of conditions of property including cost of ordinary repair necessary and proper from time to time for that purpose.

MOBILE HOME: A detached, single-family dwelling unit built prior to June 15, 1976 designed for long-term occupancy, and to be transported on its own wheels or on a flatbed or other trailers or detachable facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other minor work.

MOBILE HOME LOT: A lot within a mobile home subdivision, designed and to be used for the accommodation of one (1) mobile home.

MOBILE HOME PARK: A space designed and approved by the City of Escalante for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of the City of Escalante Zoning Ordinance.

MOBILE HOME SUBDIVISION: A subdivision designed and intended for residential use where the lots are to be individually owned or lease, and occupied by mobile homes exclusively.

MODULAR HOME: A permanent dwelling structure built after June 15, 1976 in pre-fabrication units, which are assembled and erected on the site, or at another location and brought as a unit to the site; said modular home must be placed on a permanent foundation and comply with all governing building codes.

MOTEL/INN: A building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public, with the maximum of nine (9) units per acre and one (1) building per quarter

(1/4) acre (10,890 square feet)

Motel/Inn/Hotel Units: A room or suite of a motel, hotel or inn which is capable of being rented separately and which has its own bathroom.

NONCONFORMING BUILDING or STRUCTURE: A building or a structure which does not conform to the regulations of height, coverage, or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

NONCONFORMING USE: The use of a building or structure or land which does not conform to use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

NURSING HOME: An institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and convalescent home."

OFFICIAL MAP: A map which has been adopted as the official map of the City of Escalante, showing existing public streets, streets on plats of subdivisions which have been approved by the City of Escalante Planning Commission, and /or other street extensions, widenings, narrowings, or variations which have been accurately surveyed and definitely located.

OFF-STREET: Is on private property not a City Street or a Public Right-Of-Way.

OFF-STREET PARKING SPACE: The space required to park one (1) passenger vehicle, which space shall meet the requirements of this ordinance.

OPEN SPACE: The area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of Planned Development.

OPEN SPACE, USABLE: The area of a lot which is completely free and unobstructed from any structure constructed on, over or below grade. Walkways, uncovered patio areas, light poles, other ornamental fixtures, trees, shrubs, other vegetation and equipment utilizing renewable energy resources may be allowed in open space areas.

PARK MODEL RECREATIONAL VEHICLE (PMRV). A unit that: is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; is not permanently affixed to real property for use as a permanent dwelling; requires a special highway movement permit for transit; and is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.

PARKING LOT: An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or accommodations for clients or customers.

PERMANENT STRUCTURE: Permanently affixed, which means anchored to, and supported by, a permanent foundation or installed in accordance with the manufactured housing installation standard code referred to in the State of Utah Uniform Building Standards Act Section 58-56-4.

PLANNED DISTRICT: A zoning district, the boundaries of which are to be shown on the Zoning Map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the City of Escalante Zoning Ordinance, after public hearing, a required for other zoning districts.

PLOT PLAN: A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the City of Escalante Planning Commission.

PUBLIC: Municipal owned.

PUBLIC BUILDING: A building used by Federal, State, or local government that is open to the general public

RECREATIONAL COACH: A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

RECREATIONAL COACH PARK: Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one (1) or more owners or users of recreational coaches for a temporary time not to exceed one hundred twenty (120) days. Such park may also be designated as "Overnight Park".

RECREATIONAL COACH SPACE: A plat of ground within a recreational coach park designated and intended for the accommodation of one (1) recreational coach.

REMODEL: To model again, to reconstruct; make over. To make over in structure or style; reconstruct.

RENTAL STORAGE: A group of individual or multiple units designed for the sole purpose of storing personal or commercial goods.

RIGHT-OF-WAY (LOT): A strip of land not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.

RVER: One who occupies or operates a recreational vehicle.

SAFETY ISLAND: An area provided for the safety of pedestrians from vehicular traffic, as between lanes on a busy street or highway.

SIGN: A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

SIGN, ANIMATED: A sign which involves motion or location of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.

SIGN AREA: The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one (1) exposed exterior surface. Should the sign have more than one (1) surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from anyone (1) time.

SIGN, FREE-STANDING: A sign which is supported by one (1) or more upright columns, poles, or braces, in or upon the ground.

SIGN, IDENTIFICATION AND INFORMATION: A sign displayed to indicate the name or nature of a building, or of a use.

SIGN, ILLUMINATED: A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

SIGN, MARQUEE: Any sign attached to or made an integral part of the marquee.

SIGN, PROJECTING WALL: A sign which is affixed to an exterior wall or building or structure and which projects more than eighteen, (18) inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

SITE PLAN: A plan required by, and providing the information required by, Section 1.8 herein.

STABLE, PUBLIC: Any stable where horses are boarded and/or kept for hire.

STORAGE UNIT: Real property designed and used for the purpose of renting or leasing individual storage space to occupants who have access to the facility for the purpose of storing personal property. Does not include: real property used for residential purposes.

STORY, HALF: A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls do not extend more than four (4) feet above the floor of such story, and the ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half story.

STREET: A street is a thoroughfare which has been approved by the City, which the City has acquired by prescriptive right or which the City owns, or has approved on an approved plat, or

a thoroughfare of at least sixty eight (68) feet in width which has been abandoned or made public by right of use land and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards. A street total right-of-way from property line to property line is sixty-eight (68) feet, with twenty-eight (28) feet for vehicle travel; with the remaining forty (40) feet split evenly as twenty (20) feet on each side, typically used for sidewalks, shoulders, curbs, landscaping, drainage, or utilities.

STRUCTURALLY ALTERING: Fundamental and significant change of the building's framework or system that results in a different building.

STRUCTURE: Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building."

TENT: A temporary structure erected for a period of no more than fourteen (14) days allowed only in commercial zones, as part of a recreational business having sufficient restrooms and sanitary facilities.

VACATION RENTAL: The rental of a pre-existing single-family residence which is periodically provided to the vacationing public in its entirety for compensation. The length of stay shall be less than thirty (30) days to a single person.

VICINITY PLAN: A map or drawing, to scale showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.

YARD: A required open space on a lot, other than a court, unoccupied, and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Stowe	_____	_____	_____	_____
Councilmember Lyman	_____	_____	_____	_____
Councilmember Cottam	_____	_____	_____	_____
Councilmember Orme	_____	_____	_____	_____
Councilmember Woolsey	_____	_____	_____	_____

Presiding Officer

Attest

Melani Torgersen, Mayor, Escalante
City

Stephanie Steed, MMC, UCC, City
Recorder, Escalante City

ESCALANTE CITY
ORDINANCE 2026-08

AN ORDINANCE AMENDING ESCALANTE CITY ORDINANCE 10.22.030
DEVELOPMENT STANDARDS AND PROVIDING REPEALER WITHIN THE
CITY OF ESCALANTE, STATE OF UTAH.

NOW THEREFORE, be it ordained by the Council of the Escalante City, in the State of Utah, as follows:

SECTION 1: AMENDMENT "10.22.030 Development Standards" of the Escalante Zoning Code is hereby *amended* as follows:

A M E N D M E N T

10.22.030 Development Standards

- A. ADUs shall not be allowed as short-term rentals.
- B. Only one ADU may be created per lot or property in single-family zones.
- C. Installing separate utility meters for the ADU is prohibited.
- D. ADUs shall not contain more than three (3) bedrooms. ADUs shall be occupied by no more than three (3) related or unrelated adults and their children.
- E. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be fourteen thousand five hundred (14,500) square feet.
- F. External ADUs shall meet the same setbacks as required for a primary residence in the zone and at least ten (10) feet from the existing primary residence.
- G. Any external ADU located in a required side yard must comply with the setbacks for the principal residence and shall have adequate facilities for all discharge from roof and other drainage.
- H. Any external ADU shall be architecturally compatible with the principal dwelling in order to maintain the appearance of the property as a single-family residence. A material and color board shall be required to ensure compatibility.
- I. Any external ADU shall be a permanent structure. Mobile homes, travel trailers, boats, Shipping Containers, yurts or similar portable structures shall not be permitted as detached ADUs or primary structures for this section. The City Planning and Zoning and Council shall make the determination of whether or not a structure is permanent.
- J. The maximum height for external ADUs is limited to one story above ground and to twenty feet (20') or the height of the principal structure, whichever is less. A basement for storage is permitted.
- K. External ADUs shall not exceed the greater of fifty percent (50%) of the size of the principle dwelling or one thousand (1,000) square feet excluding the basement. ~~In no case shall the accessory dwelling unit contain habitable square footage less than four hundred and fifty (450) square feet.~~

- L. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for the primary residence in the zone and meets the applicable building code.
- M. Any Internal accessory dwelling unit shall not alter the appearance of the structure as a single-family residence. There shall be no external evidence of occupancy by more than one (1) family. The architectural style, building materials and building colors of an accessory dwelling unit shall be compatible and consistent with the architectural style, materials and color of the primary building.
- N. Pets per City Ordinance per property.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Stowe	_____	_____	_____	_____
Councilmember Lyman	_____	_____	_____	_____
Councilmember Cottam	_____	_____	_____	_____
Councilmember Orme	_____	_____	_____	_____
Councilmember Woolsey	_____	_____	_____	_____

Presiding Officer

Attest

Melani Torgersen, Mayor, Escalante City

Stephanie Steed, MMC, UCC, City Recorder, Escalante City



Zoning Clearance Letter Process and Request Form

Introduction

Thank you for your interest in submitting a Zoning Clearance Letter Request. The following packet explains the purpose of a Zoning Clearance Letter, describes the process and timeline you can expect to follow before receiving your letter, and includes the Zoning Clearance Letter Request Form.

For questions regarding any of the information in this packet, please contact the city/staff at 435-826-4644

What is a Zoning Clearance Letter?

A Zoning Clearance Letter is a document that provides details about a property's current legal use and its compliance with existing zoning regulations. It is commonly requested by finance companies during property appraisals to determine if the property is conforming or legally nonconforming with zoning standards. This letter typically includes information on the property's current use, whether the building can be reconstructed, any outstanding zoning violations or open building permits, and any variances or planning approvals related to the property.

Should I schedule a consultation with the Planning and Zoning Commission

We highly recommend (but do not require) that you schedule a Pre-Submittal Consultation. During this meeting, the Planning and Zoning Commission can consult with you concerning your development plan in more detail, allowing you to more fully understand the requirements you will have to meet to turn in a complete subdivision application. They can tell you if your contemplated plan complies with zoning laws or if you will need a variance. The Pre-Submittal Consultation will increase the likelihood of your submitting a complete application, saving you time and money in the long run.

How long until I receive my Zoning Clearance Letter?

The average time you can expect to receive your Zoning Clearance Letter is 4-5 business days after you submit your Zoning Clearance Letter Request. When your request is received, the request is pre-screened to ensure that submittal requirements are met and all applicable fees are paid. At that point, the application is assigned to a staff member who reviews the application for complete documentation. If there are any deficiencies, you will be provided with a list of missing information to submit. Once all necessary documentation and information has been submitted, the staff member researches Escalante City records and compiles the information about your property. Finally, the Zoning Clearance Letter is issued containing zoning information for your property.

Important Information

Consultation

- Available prior to submitting an application.
- For questions regarding requirements, contact us at
- 435-826-4644

Submission

- Submit this request form through email to ssteed@escalantecity.com or by mailing your request to PO Box 189, Escalante, UT 84726 Mailing may increase your timeline.

Required Fees -10.54.170

- \$50.00 3 lots or less.
- \$50.00 per lot after 3 lots.
- .Plat Review \$900.00
- Review of Culinary Water System impact \$300.00.
- Review of Sewer System impact (if applicable) \$300.00
- Additional fees may be required.



ESCALANTE CITY
56 NORTH 100 WEST • P.O. BOX 189 • ESCALANTE, UT 84726
Phone: (435) 826-4644 • FAX: (435) 826-4642

ZONING CLEARANCE LETTER REQUEST FORM

Applicant Information

Zoning Clearance Letter Address To:

Address of Subject Property:

Specify the type of structure or land use requested:

Name of Applicant:

Mailing Address:

Phone Number:

Email Address:

Applicant's Interest in Property (Owner's consent required):

- Owner
- Architect*
- Contractor*
- Other* (please describe) _____

Name of Property Owner (if different from applicant):

Phone Number:

Mailing Address:

Email Address:

Office Use

Case Number:

Received By:

Date Received:

***Disclaimer:** Please be aware that staff may request additional details to ensure sufficient information is available for staff analysis. All materials required for staff analysis, including professional architectural or engineering drawings, will be copied and made accessible to the public for review by any interested parties.*

Acknowledgement of Responsibility

1. I hereby certify that I am submitting an application for the action described by the City and accept responsibility for meeting all City requirements related to this request. This application will be processed under the name listed below.
2. By signing this application, I confirm that I have read and understood the provided instructions for processing the application. I attest that the submitted documents and information are accurate to the best of my knowledge. I understand that these documents are public records and may be made accessible to the public.



ESCALANTE CITY
56 NORTH 100 WEST • P.O. BOX 189 • ESCALANTE, UT 84726
Phone: (435) 826-4644 • FAX: (435) 826-4642

3. I acknowledge that my application will not proceed until it is deemed complete by the assigned planner from the City staff. A complete application includes all required submissions and adherence to applicable requirements for the specific request. The Planning and Zoning Commission will provide a written list of any deficiencies that must be addressed to complete the application, and I understand it is my responsibility to provide the missing or corrected information. I will remain informed about submission deadlines and the progress of my application.
4. I understand that a staff report will be made available to me for review prior to any public hearings or meetings. This report will be accessible at the City Hall once finalized.

Name of Applicant: _____

Phone Number: _____

Mailing Address: _____

Application Type: _____

Email Address: _____

Signature: _____

Date: _____

Legal Property Owner Consent

If the applicant is not the legal owner of the property, consent from the property owner must be submitted. For properties with a single fee title owner, consent can be provided by completing the information below or submitting an affidavit.

Affirmation of Sufficient Interest: I affirm that I am the fee title owner of the property described below or that I have obtained written authorization from the owner to proceed with the requested action.

Legal Description of Subject Property

Name of Owner: _____

Signature: _____

Mailing Address: _____

Date: _____

Email Address: _____

1. If a corporation holds the fee title to the property, a copy of the Board of Directors' resolution authorizing the action must be attached.
2. If the fee title is held by a joint venture or partnership, a copy of the agreement authorizing the action on behalf of the joint venture or partnership must be included.
3. If the applicant is a Homeowner's Association, the representative or president must attach a notarized letter confirming that property owners have been notified about the proposed application. A vote should be conducted prior to submission, and the results must be provided to the City along with a statement confirming the vote complies with the requirements outlined in the Covenants, Conditions, and Restrictions.

Disclaimer: Please note that knowingly making a false written statement to a government entity is a criminal offense under Utah Code Chapter 76-8, Part 5. The City will pursue prosecution for any knowingly false representations regarding the applicant's interest in the property related to this application.



INTERNAL GUIDE – SUBDIVISION APPLICATIONS

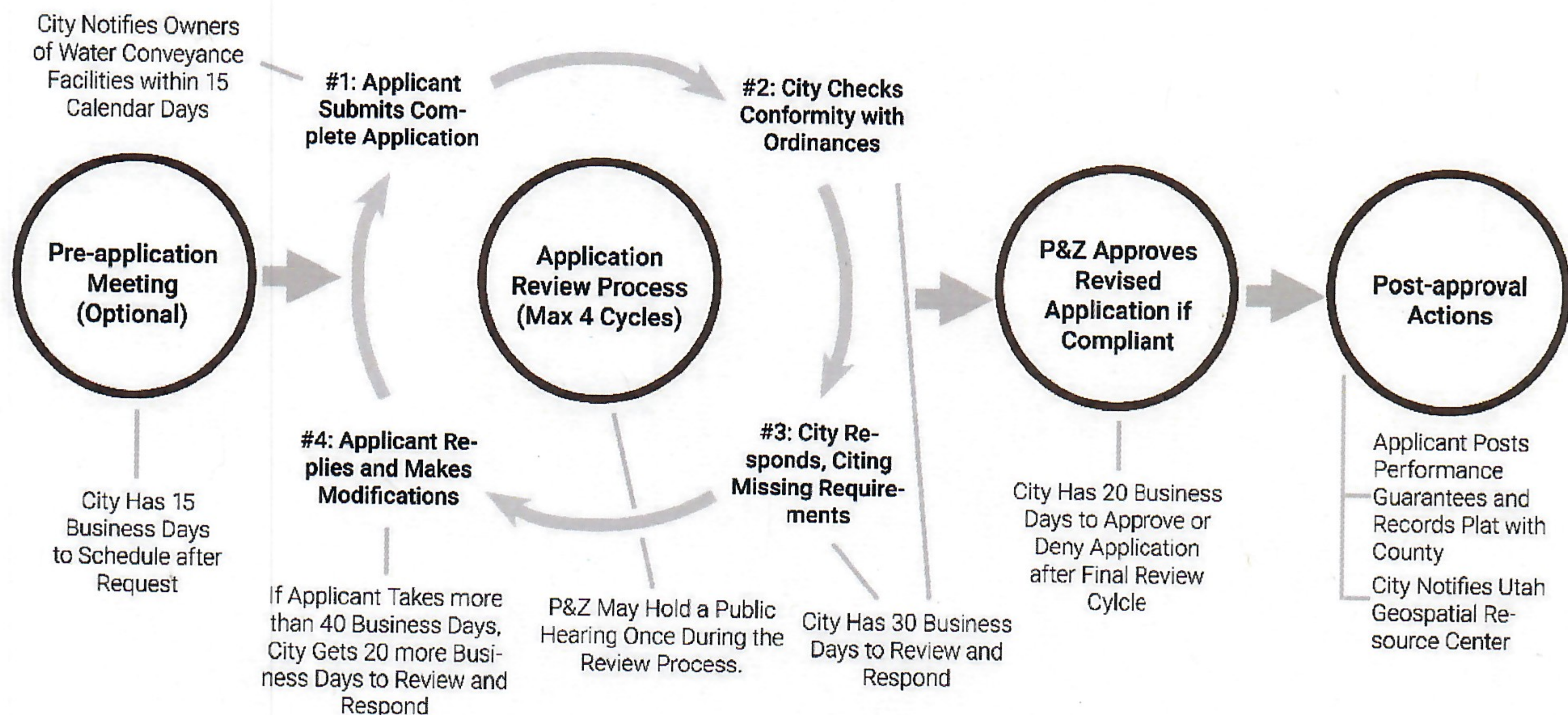
Subdivision Application Steps:

1. Pre-Application Meeting (OPTIONAL):

- The applicant may choose to submit a concept plan or other materials for informal consideration before submitting a formal application.
- If the applicant requests a pre-application meeting, Town staff should schedule the meeting within 15 business days. The meeting needs to occur at the next regularly scheduled P&Z meeting.



SUBDIVISION APPLICATION TIMELINE + PROCESS CITY OF ESCALANTE



2. Submission of Complete Application

- When an applicant submits an application, the first step is to check to make sure that the application includes all the required elements (See Checklist on Page 3).
 - If the application is not complete, tell the applicant that the application will not be considered until it is completed.
 - If the application is complete, forward it along to the members of the P&Z and place it on the agenda for the next meeting.

3. Notice to Affected Entities:

- After receiving a complete subdivision application, Town staff need to notify the owners of any water conveyance facilities within 100 feet of the subdivision within 15 calendar days.
- Water conveyance facilities are ditches and canals for secondary and irrigation water.
- The best place to find a list of all these facilities is to look up the state engineer's inventory of canals.



4. P&Z Review and Approval of Application:

- a. The P&Z needs to review and respond to the applicant within 30 business days. Make sure that the feedback given to applicant is written in a single document with an index of all the changes that need to be made.
- b. The P&Z gets four opportunities (“review cycles”) to request revisions before it needs to make a final decision.
- c. If the applicant takes longer than 180 days to resubmit a revised application after P&Z requests changes, then the applicant must start the process over with a new application.
- d. If/when the application is compliant with Town ordinances and standards, P&Z must approve it. The final plat is then signed by a member of the P&Z, the Mayor, and a notary public.

5. Post Approval Actions

- a. After the application is approved, the applicant has 365 days to record the plat, and can only record the plat if the applicant has completed the public improvements or guaranteed their completion through a bond, escrow, or letter of credit.
- b. After recording the plat, the Town needs to submit a copy to the Utah Geospatial Resource Center within 30 calendar days of approval. This will ensure that the new plat is incorporated into the State’s 911 database so that the area can be accessed by emergency services.



STAFF CHECKLIST – SUBDIVISION APPLICATIONS

Name of Proposed Subdivision: _____

County Tax Parcel Number: _____

Current Zoning of Property: _____

~~~~

Before marking an application as “complete”, make sure it contains all the items on this list. Note that the items do not have to be correct or compliant with local standards/ordinances, they just need to be submitted. P&Z’s job is to assess the quality of the application in a series of review cycles once the complete (but not perfect) application is submitted.

- 1 \_\_\_\_\_ **An approved land use application** that describes how the property will be used after it is subdivided. This land use application must include an approved conditional use permit, an approved variance, or citations to specific municipal ordinances that permit the intended use.
  - a \_\_\_\_\_ If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
  - b \_\_\_\_\_ If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
  - c \_\_\_\_\_ If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an approved, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.
- 2 \_\_\_\_\_ **A plat.** The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and acceptable filing standards of the County Recorder’s Office. The plat must include at least the following elements:
  - a \_\_\_\_\_ The proposed name of the subdivision, which must be distinct in sound and spelling from any subdivision name on a plat recorded in the County Recorder’s office.
  - b \_\_\_\_\_ The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
  - c \_\_\_\_\_ The names and addresses of the owners, and the subdividers if different than the owners.





- d \_\_\_\_\_ Date of preparation and north point.
- e \_\_\_\_\_ Scale of the drawing, which shall be of sufficient size to adequately describe, in legible form, all required conditions of this title.
- f \_\_\_\_\_ The location of the newest established survey monument.
- g \_\_\_\_\_ The boundary of the proposed subdivision and the acreage included.
- h \_\_\_\_\_ The boundaries, course, and dimensions of all proposed parcels.
- i \_\_\_\_\_ All property in the tract under the control of the subdividers, even though only a portion is being subdivided. Where the plan submitted only covers a portion of the subdividers tract, a sketch of the prospective street system of the un-platted parts of the subdividers land shall be submitted. The street system of the part submitted shall be considered in the light of the existing master street plans or other P&Z studies.
- j \_\_\_\_\_ The location, width and names of all existing streets within two hundred (200) feet of subdivision and all prior platted streets or other public ways, utilities right-of-way, parks, ditches and other public open spaces, permanent buildings, structures, houses, or permanent easements and section and city limit lines within and/or adjacent to the tract.
- k \_\_\_\_\_ The location of all wells (proposed, active and abandoned), and of all reservoirs within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries.
- l \_\_\_\_\_ Existing sewer, water mains, culverts and other underground facilities within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries, indicating pipe size, grades, manholes and exact location.
- m \_\_\_\_\_ Existing ditches, canals, natural drainage channels and open waterways and proposed realignment.
- n \_\_\_\_\_ Boundary lines of adjacent tracts of un-subdivided land showing ownership.
- o \_\_\_\_\_ Contour at vertical intervals not greater than five (5) feet.
- p \_\_\_\_\_ The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
- q \_\_\_\_\_ Parcels of land intended to be dedicated or temporarily reserved for public use or set aside from use for property owners in the subdivision.
- r \_\_\_\_\_ Building set back lines required by P&Z.
- s \_\_\_\_\_ Location of water, sewers and drainage, utility lines and other purposes.
- t \_\_\_\_\_ Easements of drainage, utility lines and other purposes.
- u \_\_\_\_\_ If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
- v \_\_\_\_\_ If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).





- w \_\_\_\_\_ If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
- x \_\_\_\_\_ If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
- y \_\_\_\_\_ If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by City ordinances), the notice language found in Utah Code §10-9a-904.
- z \_\_\_\_\_ If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.
- aa \_\_\_\_\_ Signature blocks for the owners of land to be subdivided, the Planning and Zoning Commission, the Mayor, and a notary public.
- 3 \_\_\_\_\_ **An improvement plan**, created in accordance with Sections 10.54.140, 10.54.150, and 10.54.160 of City Code, for all public improvements proposed by the applicant or required by City ordinances. Additionally, the improvement plan must contain:
- a \_\_\_\_\_ An engineer's estimate of the cost of completing the required improvements.
- b \_\_\_\_\_ Typical street cross-sections and grade streets where required by P&Z.
- c \_\_\_\_\_ A grading and drainage plan by which the subdivider proposes to handle storm water drainage for the subdivision along with one hundred (100) year flood high water mark.
- d \_\_\_\_\_ Approximate radius or all centerline curves on proposed streets.
- e \_\_\_\_\_ Location and size of all culinary water, sewer lines and any required irrigation. Location of fire hydrants, electrical layouts, street light location and types, along with septic system designs and locations.
- f \_\_\_\_\_ A dust control plan, which will remain in effect and on file with the City. Included in the subdivision dust control plan, there shall be a person's name, address and phone number to contact in case there is a dust problem. If the listed person cannot be located, then the city can take any action it feels is necessary to correct the dust problem at the subdivider's expense.
- g \_\_\_\_\_ A traffic study, if one is required by an applicable UDOT Access Management Plan.
- 4 \_\_\_\_\_ **Certifications**, including:
- a \_\_\_\_\_ An affidavit from the applicant certifying that the submitted information is true and accurate.
- b \_\_\_\_\_ The signature of each owner of record of land described on the plat, signifying their consent to the subdivision application and their intent to dedicate portions of the plat to the public as described in the application.





- c \_\_\_\_\_ A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
- d \_\_\_\_\_ A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
- e \_\_\_\_\_ Certification that the surveyor who prepared the plat:
  - i \_\_\_\_\_ Holds a license in accordance with Utah Code 58-22;
  - ii \_\_\_\_\_ Either
    - (1) \_\_\_\_\_ Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
    - (2) \_\_\_\_\_ Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
  - iii \_\_\_\_\_ Has placed monuments as represented on the plat.
- 5 \_\_\_\_\_ **Binding dedication documents**, including:
  - a \_\_\_\_\_ As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.
  - b \_\_\_\_\_ If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
- 6 \_\_\_\_\_ **Performance Guarantee:** A guarantee in accordance with Section 10.54.150 for any proposed public improvements or a statement that such improvements will be completed before the approved plat may be recorded.
- 7 \_\_\_\_\_ **Copies**, including:
  - a \_\_\_\_\_ One electronic copy of the plat in AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
  - b \_\_\_\_\_ An electronic copy of all application documents in PDF format.
  - c \_\_\_\_\_ Three (3) printed copies of all application documents for review.
- 8 \_\_\_\_\_ **Fees:** Payment of any application processing fees required by the City. In addition to any fees posted on the City's fee schedule or described in Section 10.54.170 of the City's ordinances, the applicant shall be responsible to pay for any legal, engineering, or consulting fees incurred by the City in reviewing the application. Payment of these fees is prerequisite for and condition of subdivision approval.



# Subdivision Application



Name of Proposed Subdivision: Witzdum Properties

County Tax Parcel Number: 96 570W. 325N

Current Zoning of Property: RR-1-20

THIS BOX IS FOR OFFICIAL USE ONLY:

Date Received: 6/16/26

Receipt #: 97491

Amount Paid: \$ 60.00

## ----- CONTACT INFORMATION -----

|                                                                                                                                                                                                                        |                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p align="center"><b>Applicant Information</b></p> <p>Name: <u>Witzdum Holding Co LLC</u></p> <p>Phone: <u>206-391-2632</u></p> <p>Email: <u><del>SPWitzdum@gmail.com</del></u><br/><u>Steve Witzdum@gmail.com</u></p> | <p align="center"><b>Property Owner #1 Information</b></p> <p>Name: <u>Steve &amp; Page Witzdum</u></p> <p>Phone: _____</p> <p>Email: <u><del>SPWitzdum</del></u><br/><u>SteveWitzdum@gmail.com</u></p> |
| <p align="center"><b>Property Owner #2 Information (If Applicable)</b></p> <p>Name: _____</p> <p>Phone: _____</p> <p>Email: _____</p>                                                                                  | <p align="center"><b>Property Owner #3 Information (If Applicable)</b></p> <p>Name: _____</p> <p>Phone: _____</p> <p>Email: _____</p>                                                                   |
| <p align="center"><b>Applicant's Engineer's Information</b></p> <p>Name: _____</p> <p>Phone: _____</p> <p>Email: _____</p>                                                                                             | <p align="center"><b>Applicant's Surveyor's Information</b></p> <p>Name: <u>Red Sands</u></p> <p>Phone: <u>435-899-8539</u></p> <p>Email: <u>Mike@redsandsgeomatics.com</u></p>                         |

If the property to be subdivided has more than three owners, attach supplemental information for remaining owners.

## ----- DOCUMENT CHECKLIST -----

- 1 ☒ An approved land use application that describes how the property will be used after it is subdivided. This land use application must include an approved conditional use permit, an approved variance, or citations to specific municipal ordinances that permit the intended use. Subdivided For Future Homes
- a ☒ If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.



b N/A If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.

c N/A If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an approved, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.

2 ✓ **A plat.** The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and acceptable filing standards of the County Recorder's Office. The plat must include at least the following elements:

a ✓ The proposed name of the subdivision, which must be distinct in sound and spelling from any subdivision name on a plat recorded in the County Recorder's office.

b ✓ The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.

c ✓ The names and addresses of the owners, and the subdividers if different than the owners.

d ✓ Date of preparation and north point.

e ✓ Scale of the drawing, which shall be of sufficient size to adequately describe, in legible form, all required conditions of this title.

f ✓ The location of the newest established survey monument.

g ✓ The boundary of the proposed subdivision and the acreage included.

h ✓ The boundaries, course, and dimensions of all proposed parcels.

i ✓ All property in the tract under the control of the subdividers, even though only a portion is being subdivided. Where the plan submitted only covers a portion of the subdividers tract, a sketch of the prospective street system of the un-platted parts of the subdividers land shall be submitted. The street system of the part submitted shall be considered in the light of the existing master street plans or other P&Z studies.

j ✓ The location, width and names of all existing streets within two hundred (200) feet of subdivision and all prior platted streets or other public ways, utilities right-of-way, parks, ditches and other public open spaces, permanent buildings, structures, houses, or permanent easements and section and city limit lines within and/or adjacent to the tract.

k ✓ N/A The location of all wells (proposed, active and abandoned), and of all reservoirs within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries.

l ? Existing sewer, water mains, culverts and other underground facilities within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries, indicating pipe size, grades, manholes and exact location.

m N/A Existing ditches, canals, natural drainage channels and open waterways and proposed realignment.

n N/A Boundary lines of adjacent tracts of un-subdivided land showing ownership.

o N/A Contour at vertical intervals not greater than five (5) feet.

p ✓ The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.



q N/A

Parcels of land intended to be dedicated or temporarily reserved for public use or set aside from use for property owners in the subdivision.

r ?

Building set back lines required by P&Z.

s EC

Location of water, sewers and drainage, utility lines and other purposes.

t N/A

Easements of drainage, utility lines and other purposes.

u N/A

If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).

v N/A

If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).

w N/A

If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).

x N/A

If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).

y N/A

If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by City ordinances), the notice language found in Utah Code §10-9a-904.

z N/A

aa ?

If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.

Signature blocks for the owners of land to be subdivided, the Planning and Zoning Commission, the Mayor, and a notary public.

3 ?

An improvement plan, created in accordance with Sections 10.54.140, 10.54.150, and 10.54.160 of City Code, for all public improvements proposed by the applicant or required by City ordinances. Additionally, the improvement plan must contain:

a N/A

An engineer's estimate of the cost of completing the required improvements.

b N/A

Typical street cross-sections and grade streets where required by P&Z.

c N/A

A grading and drainage plan by which the subdivider proposes to handle storm water drainage for the subdivision along with one hundred (100) year flood high water mark.

d N/A

Approximate radius or all centerline curves on proposed streets.

e EC

Location and size of all culinary water, sewer lines and any required irrigation. Location of fire hydrants, electrical layouts, street light location and types, along with septic system designs and locations.

f N/A

A dust control plan, which will remain in effect and on file with the City. Included in the subdivision dust control plan, there shall be a person's name, address and phone number to contact in case there is a dust problem. If the listed person cannot be located, then the city can take any action it feels is necessary to correct the dust problem at the subdivider's expense.

g N/A

A traffic study, if one is required by an applicable UDOT Access Management Plan.

4 N/A ?

Certifications, including:

a ✓

An affidavit from the applicant certifying that the submitted information is true and accurate [EXAMPLE ON PAGE 6].

b ✓

The signature of each owner of record of land described on the plat, signifying their consent to the subdivision application and their intent to dedicate portions of the plat to the public as described in the application [EXAMPLE ON PAGE 7].

c ✓

A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.



- d N/A A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
- e ✓ Certification that the surveyor who prepared the plat:
- i ✓ Holds a license in accordance with Utah Code 58-22;
- ii ✓ Either
- (1) ✓ Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
- (2) ✓ Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
- iii ✓ Has placed monuments as represented on the plat.
- 5 ✓ **Binding dedication documents, including:**
- a N/A As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.
- b N/A If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
- 6 N/A **Performance Guarantee:** A guarantee in accordance with Section 10.54.150 for any proposed public improvements or a statement that such improvements will be completed before the approved plat may be recorded.
- 7 ✓ **Copies, including:**
- a ✓ One electronic copy of the plat in AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
- b ✓ An electronic copy of all application documents in PDF format.
- c ✓ Three (3) printed copies of all application documents for review.
- 8 ✓ **Fees:** Payment of any application processing fees required by the City. In addition to any fees posted on the City's fee schedule or described in Section 10.54.170 of the City's ordinances, the applicant shall be responsible to pay for any legal, engineering, or consulting fees incurred by the City in reviewing the application. Payment of these fees is prerequisite for and condition of subdivision approval.

----- **EXAMPLE CERTIFICATIONS** -----

[See following pages.]



# APPLICANT'S AFFIDAVIT - SUBDIVISION APPLICATION

Name of Proposed Subdivision: Witzdam Properties

County Tax Parcel Number of Property to Be Subdivided: 96

I, Steve Witzdam (applicant/agent name), certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete, and accurate to the best of my knowledge. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Escalante City may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Escalante City Subdivision Ordinance and that items and checklists contained in this application are basic and to the minimum requirements only and that other requirements may be imposed to ensure compliance with municipal ordinances and approved standards and specifications. Additionally, I agree to pay all fees associated with this application, as set by the currently adopted Escalante City Consolidated Fee Schedule. I further acknowledge that the City is not responsible to pay for the guarantee or completion of any improvements proposed by my application or required by City ordinances or the Land Use Authority.

Signed:

[Signature]  
Applicant/Agent

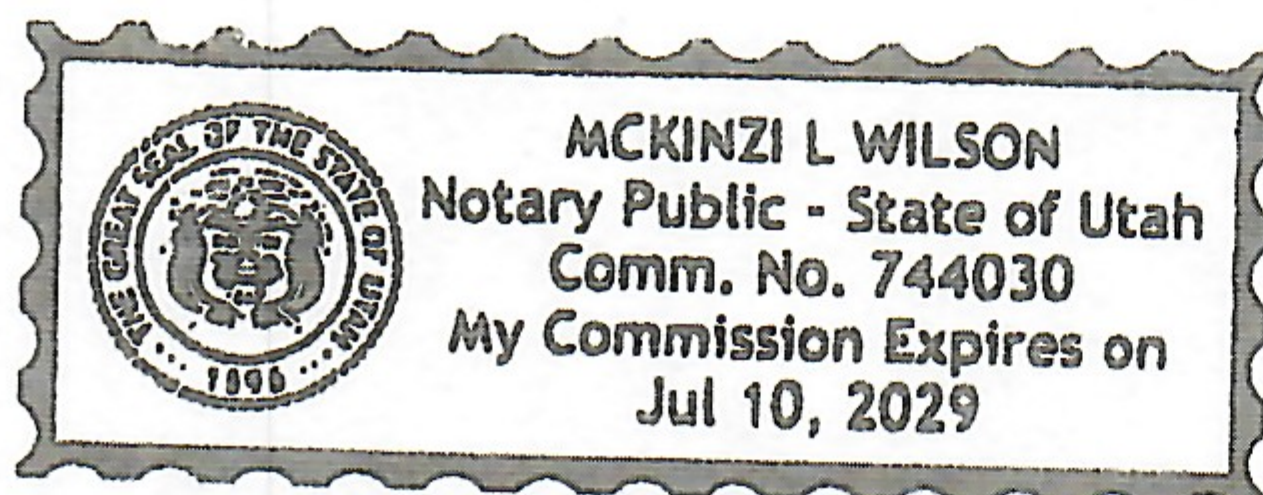
6/8/2026  
Date

Subscribed and sworn to before me:

[Signature]  
Notary Public

6-8-2026  
Date

Notary Seal:





PROPERTY OWNER'S CONSENT & DEDICATION – SUBDIVISION APPLICATION

Name of Proposed Subdivision: Witzdam Properties

County Tax Parcel Number of Property to Be Subdivided: 96

We certify under penalty of perjury that we are the sole owners of the property proposed to be subdivided and that we have thoroughly reviewed the final subdivision application. We hereby consent to this final subdivision application and, contingent on City approval of the final application, we irrevocably dedicate all portions of the property to the public that are so indicated in this application (including streets, City uses, utilities, parks, easements, or other spaces). We further consent to agents of the City entering onto the subject property for the purpose of making any inspections required by this application or related improvements.

Signed:

[Signature]  
Property Owner #1

6/8/2026  
Date

Witzdam Holding Co LLC  
Property Owner #2 (if applicable)

6/8/2026  
Date

\_\_\_\_\_  
Property Owner #3 (if applicable)

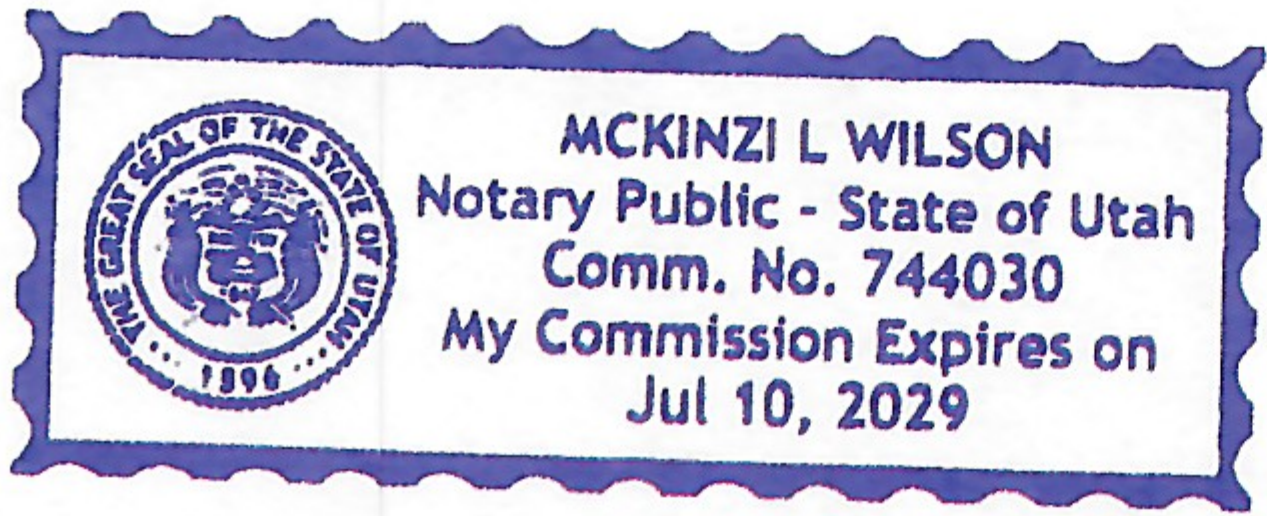
\_\_\_\_\_  
Date

Subscribed and sworn to before me:

[Signature]  
Notary Public

6-8-2026  
Date

Notary Seal:





Prepared By:  
Security Title Company of Garfield County  
15 N. Main Street  
Panguitch, UT 84759

When Recorded, Mail Deed and Tax Notice To:  
Witzdam Holdings  
PO Box 26  
Escalante, UT 84726

### QUITCLAIM DEED

File No.: 25-31999  
APN: 04-0022-0311

R Slice, LLC, a Utah Limited Liability Company,  
Grantor(s), of Escalante, Garfield County, State of Utah, hereby quitclaim(s) to  
Witzdam Holdings, LLC,

Grantee(s), of Escalante, Garfield County, State of Utah, for the sum of Ten And No/100 Dollars (\$10.00)  
and other good and valuable consideration, the following described tract of land in Garfield County, Utah,  
to wit:

The North 116.65 feet of Parcel 96, Plat C, ESCALANTE TOWN SURVEY

Subject to easements, restrictions, and rights of way appearing of record or enforceable in law or equity.

WITNESS the hand(s) of said Grantor(s), this 31 day of March, A.D., 2026

R Slice, LLC, a Utah Limited Liability Company

BY: Carol Page Witzdam  
Carol Page Witzdam  
Member

STATE OF UTAH

COUNTY OF

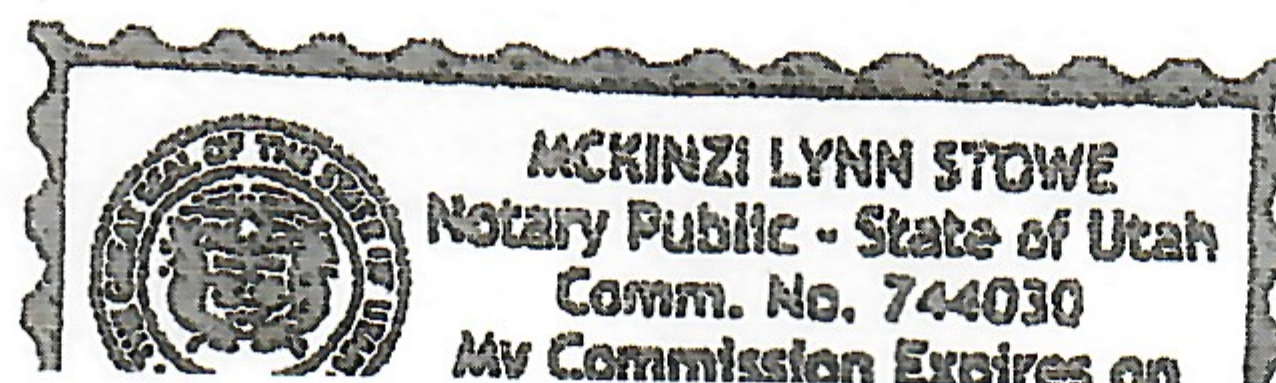
I, Mckinzi Lynn Stowe, a Notary Public for the County of Garfield and State of Utah, do hereby  
certify that Carol Page Witzdam, Member for R Slice, LLC, personally appeared before me this day and  
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 31 of March, 2026.  
~~of April, 2026~~

Mckinzi Lynn Stowe  
Notary Public

My Commission Expires:

(SEAL)







FOUND 2015 GARFIELD  
COUNTY ALUM CAP 0 1/2 SEC 7

# RECORD OF SURVEY R SLICE LLC

MINOR SUBDIVISION OF PARCEL 04-0022-0311  
PORTION OF PARCEL 96 OF AMENDED PLAT "C" TOWN OF ESCALANTE  
NW 1/4 SEC 7, TOWNSHIP 35 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN  
ESCALANTE, GARFIELD COUNTY, UTAH

**RED SANDS**  
—GEOMATICS—  
LAND SURVEYING, LIDAR, & GIS  
PERSONALIZED PROFESSIONAL SOLUTIONS  
KANAB & SPANISH FORK & CEDAR CITY & BLANDING  
252 E 200 S KANAB, UTAH 84903-0000  
REDAUGUST@REDSANDS.COM

**SURVEYOR'S CERTIFICATE**  
I, MICHAEL J. STEWART, A PROFESSIONAL LAND SURVEYOR, LICENSE NUMBER 12480028, HAVE THIS LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, SURVEYING, LICENSING ACT AND PROFESSIONAL LAND SURVEYING, LICENSING ACT AND HAVE COMPLETED THIS SURVEY IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 58, CHAPTER 22, SURVEYING, LICENSING ACT AND HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS RECORD OF SURVEY.



**FOR REVIEW ONLY**  
MICHAEL J. STEWART  
UT L.S. 12480028  
07/05/1999

## SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SHOW THE PROPERTY SPLIT INTO 3 PARCELS. THE PARCELS ARE TO BE REESTABLISHED THE ORIGINAL PROPERTY CORNERS OF THE SHOWN PARCELS, BASED ON THE AVAILABLE EXISTING EVIDENCES OF PROPERTY CORNERS, OCCUPATION LINES, AND OTHER RELIABLE SOURCES. THIS SURVEY WAS REQUIRED BY THE OWNER. ALL CORNERS ARE SET AND FOUND AS SHOWN ON THE RECORD OF SURVEY. THE BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH OF THE UTAH STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH ZONE, U.S. SURVEY FEET. THE BEARING SHOWN BETWEEN THE SOUTHEAST SECTION CORNER AND SOUTH 1/4 CORNER OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN IS 116.65 DEGREES. THE BEARING ONLY REFLECTS THE GRID BEARING COMPUTED FROM ONLY AND REFLECTS THE GPS OBSERVATIONS WERE PERFORMED TO CONTROL. THE ABOVE-LOCAL COORDINATE SYSTEM, SCALED TO GRID NORTH WITH NO LOCALIZATION APPLIED. RECORD BEARINGS WERE HOWEVER, TO THIS BASIS DURING BOUNDARY ANALYSIS; HOWEVER, THEY SHOWN HEREON AS PUBLISHED IN THE SURVEY DOCUMENTS.

AS PART OF THIS SURVEY, RED SANDS GEOMATICS, LLC HAS CONDUCTED FIELD SEARCHES AND MONUMENTS AND MONUMENTATION. FOUND EVIDENCE AND MONUMENTS OF RECORD IS REPRESENTED HEREON. DOCUMENTS OF RECORD ARE CONSIDERED AS PART OF THIS SURVEY ARE NOTED BELOW AND DOCUMENTS THAT EXIST, BUT COULD AFFECT THIS SURVEY. NEW EVIDENCE, MONUMENTS, OR DOCUMENTS THAT MAY ALTER THE CONCLUSIONS OF THIS SURVEY SHOULD BE PRESENTED TO THE SURVEYOR FOR HIS REVIEW AND CONSIDERATION.

- RECORD OF SURVEY, JONES & DEMILLE INC. 1990, #94
- RECORD OF SURVEY, TONGERSON ENGINEERING, 2002, #482
- RECORD OF SURVEY, TONGERSON ENGINEERING, 2002, #493
- RECORD OF SURVEY, TONGERSON ENGINEERING, 2012, #633
- RECORD OF SURVEY, LANNY K. TONGERSON, 1979, #187477
- PLAT C TOWN OF ESCALANTE, UTAH, 1974, #132706
- WARRANTY DEED, MINCHNEY TO R SLICE, 2025, #290153
- JUDGMENT AND ORDER QUIETING TITLE, 2002, CASE NO. COUNTY CORNER SURVEY, GRIFFINAW SURVEYING COMPANY, BLM PLATS OF 1355 R3E AND R2E
- BLD AND BLM PLATS OF 1355 R3E AND R2E

## LEGEND

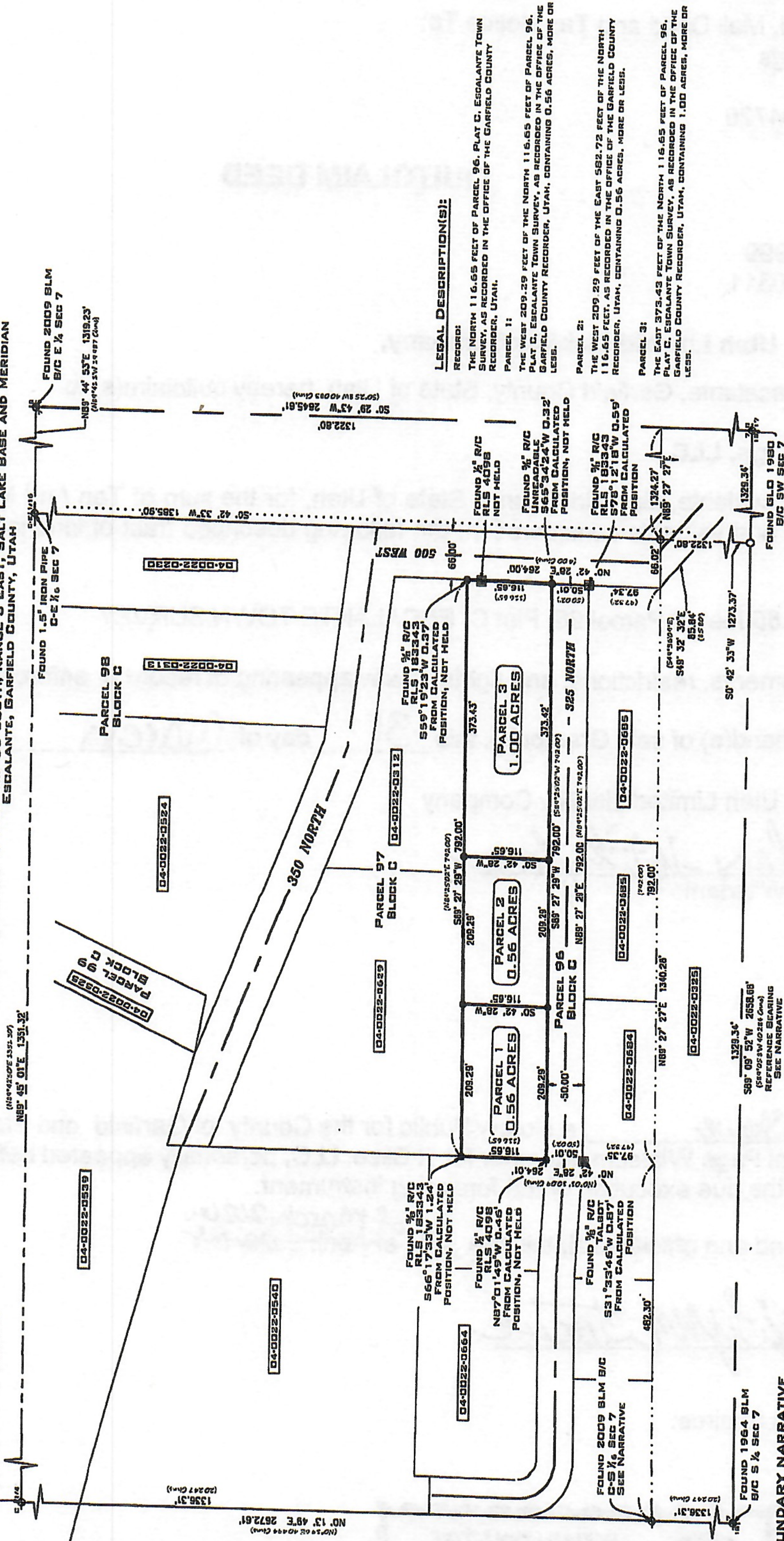
|                                                                                   |
|-----------------------------------------------------------------------------------|
| SET #5 REBAR & RED PLASTIC CAP MARKED RED SANDS GEOMATICS 12480028 (UNLESS NOTED) |
| FOUND EXISTING CORNER AS DESCRIBED                                                |
| NOTHING SET                                                                       |
| MONUMENT AS DESCRIBED                                                             |
| PROPERTY LINE                                                                     |
| ADJACENT PROPERTY LINE                                                            |
| STREET CENTER LINE                                                                |
| STATEMENT AS DESCRIBED                                                            |
| 1/4 SECTION LINE                                                                  |
| 1/2 SECTION LINE                                                                  |
| SECTION LINE                                                                      |
| REBAR AND CAP MARKED AS SHOWN                                                     |
| P.O.B.                                                                            |
| R/C                                                                               |
| POINT OF BEGINNING                                                                |
| RECORD DIMENSIONS                                                                 |

## NOTE

RECORD AND MEASURED DISTANCES ARE PRESENTED ON THIS SURVEY. CONSISTENT WITH THE TOLERANCES REFERENCE TO 2025 ALTIMETERS STANDARDS, ANY MEASURED DISTANCE WITHIN 1/16" PLUS 50 PPM OF THE CORRESPONDING RECORD DISTANCE SHOULD BE TREATED AS IDENTICAL, AND THE RECORD DISTANCE SHOULD BE USED IN FUTURE RETRACEMENTS.

**OWNERSHIP:** R SLICE, LLC  
270 W 325 N  
ESCALANTE UT, 84726

DRAWN BY: RL/MJS SURVEY DATE: 5/28/2026



## LEGAL DESCRIPTION(S)

### RECORD

THE NORTH 116.65 FEET OF PARCEL 96, PLAT C, ESCALANTE TOWN SURVEY, AS RECORDED IN THE OFFICE OF THE GARFIELD COUNTY RECORDER, UTAH.

### PARCEL 1:

THE WEST 209.29 FEET OF THE NORTH 116.65 FEET OF PARCEL 96, PLAT C, ESCALANTE TOWN SURVEY, AS RECORDED IN THE OFFICE OF THE GARFIELD COUNTY RECORDER, UTAH, CONTAINING 0.56 ACRES, MORE OR LESS.

### PARCEL 2:

THE WEST 209.29 FEET OF THE EAST 582.72 FEET OF THE NORTH 116.65 FEET, AS RECORDED IN THE OFFICE OF THE GARFIELD COUNTY RECORDER, UTAH, CONTAINING 0.56 ACRES, MORE OR LESS.

### PARCEL 3:

THE EAST 373.43 FEET OF THE NORTH 116.65 FEET OF PARCEL 96, PLAT C, ESCALANTE TOWN SURVEY, AS RECORDED IN THE OFFICE OF THE GARFIELD COUNTY RECORDER, UTAH, CONTAINING 1.00 ACRES, MORE OR LESS.

## LAND USE AUTHORITY

### Approval

ON THIS DAY OF \_\_\_\_\_, 2026, THE ESCALANTE CITY LAND USE AUTHORITY, DOES HEREBY APPROVE THE SHOWN SURVEY HAS BEEN APPROVED BY SAID AUTHORITY PERTAINING HERETO.

### Land Use Authority

ESCALANTE CITY, UT

## BOUNDARY NARRATIVE

AMENDED PLAT C TOWN OF ESCALANTE WAS FILED IN 1975. PHYLIP LESLIE PERFORMED A SURVEY FOR THE TOWN OF ESCALANTE FOR PROPOSED STREETS TO BE DEDICATED IN 1990 OF PARCEL 96 AND 97 OF AMENDED PLAT C. HOWEVER THE ROADS WERE NEVER OFFICIALLY DEDICATED. IN HIS SURVEY, LESLIE HAD SHORTED PARCEL 96 ON THE EAST AND WEST LINES AND GAVE PARCEL 97 ITS RECORD DIMENSIONS. HE GIVES NO EXPLANATION OF WHY HE DID THIS OR WHY HE DID NOT PROPORTION THE LOTS BASED ON THE LOCATION OF THE SOUTH 1/16 LINE AND HIS DETERMINED LOCATION OF 350 NORTH WHICH FITS WELL WITH THE 350 NORTH RIGHT OF WAY EAST OF THE EAST PLAT C. IN 1996, RYAN SAVAGE DID A SURVEY AND CAUGHT THIS SAME DISCREPANCY IN THE LOT DIMENSIONS. IN NOTE 3 THAT "THE LINES BETWEEN LOT 96 & LOT 97 SHALL BE ESTABLISHED BY PROPORTION, THIS WILL ALLOW EACH LOT TO SHARE IN THE PROPERTY SHORTAGE." HOWEVER, HE MORE DID NOT GIVE PARCEL 96 THE RECORD LENGTHS AND SHORTED PARCEL 97 ON THE EAST AND WEST LINES. HE DID NOT PROPORTION ACCORDINGLY. IT APPEARS THE CASE WENT TO COURT AND AN ORDER WAS MADE IN 2002 WHERE THE OWNERS COURT ORDERED A SETTLEMENT AGREEMENT FOR WHICH THE COURT ORDERED HOWEVER, SAID SETTLEMENT AGREEMENT WAS NOT FILED AS PART OF THE JUDGMENT AND I'M UNSURE WHAT THE DETAILS OF THAT AGREEMENT ARE. FURTHERMORE, THE OWNER OF

## BOUNDARY NARRATIVE

PARCEL 96 WAS GRANTED "ALL OF PARCEL 96, AMENDED PLAT C", ESCALANTE TOWN SURVEY". SUBSEQUENTLY SAVAGE FILED AN AMENDED SURVEY IN 2002 SHOWING THE RESULTS OF THE JUDGMENT WHICH APPEARS TO BE THAT PARCEL 96 GETS ITS RECORD DIMENSIONS AND PARCEL 97 GETS ALL THE SHORTAGE. IN MY OPINION, SAVAGE ERRORED IN HIS SURVEY BY NOT PROPORTIONING THE SHORTAGE ACROSS THE TWO PARCELS LIKE HIS NOTE SAID HE WAS GOING TO. SECONDLY, NO QUESTION IF THE JUDGMENT RECORDED AS CASE NO. 980600029 MEANT THAT PARCEL 96 WAS TO BE AVOIDED. EXACTLY WHAT THE ORIGINAL PLAT SHOWS OR IF PROPORTION. INTENDING TO BE USED TO KEEP WITH THE INTENT OF THE PLAT. THE RELATIONSHIP WITH PARCEL 97 IF THE COURT ORDER WAS NOT HAPPENED, I WOULD BE PROPORTIONING THE SHORTAGE BETWEEN PARCEL 96 AND 97 BASED ON THE RIGHT OF WAY OF 350 NORTH AND THE SOUTH 1/16 SECTION LINE. HOWEVER, NOTE 5 OF SAVAGES AMENDED SURVEY BEARS: "THIS SURVEY WAS AMENDED TO SHOW THE PROPERTY BEARS FOR LOT 96 AS DECEDED IN A JUDGMENT AND ORDER AM TREATING SAVAGES SURVEY AS THE INTERPRETATION OF THE COURT ORDER AND I AM GIVING PARCEL 96 ITS RECORD DIMENSIONS AS FOLLOWS. I OFFSET 1 CHAIN 165 FEET FROM THE EAST 1/16 LINE FOR THE RIGHT OF WAY OF 500 WEST AS SHOWN ON AMENDED PLAT C TO ESTABLISH THE SOUTHWEST CORNER OF PARCEL 96 AND THEN TRIM THE LINE AT 4 CHAINS 126.4 FEET NORTHERLY FROM THE SOUTH 1/16

## BOUNDARY NARRATIVE

LINE. THE SOUTH LINE IS ESTABLISHED ON THE SOUTH 1/16 SECTION LINE 12 CHAINS 179.2 FEET FROM THE EDGE OF THE 500 WEST RIGHT OF WAY. I THEN RUN THE NORTH LINE PARALLEL WITH THE SOUTH LINE. 12 CHAINS 179.2 FEET FROM THE 500 WEST RIGHT OF WAY LINE. THE WEST LINE IS THEN RUN BETWEEN THE NORTH AND SOUTH LINE WITH A DISTANCE OF 4 CHAINS 126.4 FEET. I FIND THAT CORNER SET BY SAVAGE DO NOT MATCH HIS PLAT AND HIS PLAT DOES NOT SHOW A SECTION BREAKDOWN. THEREFORE, I HAVE DECIDED TO RESET THE CORNERS AS SHOWN. CONCERNING THE CENTER-SOUTH 1/16 CORNER MONUMENTED BY THE BLM IN 2009 IT DOES NOT MATCH WITH OCCUPATION LINES. DEEDS OF USFS ROW MONUMENTS SET TO THE SOUTH. HOWEVER, IF THE EXISTING FENCE CORNER, SEVERAL FEET TO THE EAST, LIES WITH THE OCCUPATION LINES, DEEDS, AND ROW MONUMENTS MUCH BETTER. LES BARKER, THE GARFIELD COUNTY SURVEYOR ALSO AGREES THE BLM MONUMENT'S LOCATION IS DIFFERENT FROM WHAT WAS HISTORICALLY USED. ON THIS SURVEY, THE EAST-WEST POSITION OF THE MONUMENT DOES NOT AFFECT THE POSITION OF AMENDED PLAT C. THEREFORE I SHOW IT IN ITS CURRENT MONUMENTED POSITION BUT WANTED TO GIVE NOTICE OF THE POTENTIAL ISSUES I FOUND.