

BIG WATER PLANNING AND ZONING
Big Water Town Hall, 60 Aaron Burr, Big Water, Utah 84741

AGENDA

6:00 PM WORK SESSION

7:00 PM MEETING

February 3, 2025

6:00 PM WORK SESSION

- 1. Call to Order-**
- 2. Discuss Meeting Agenda Items-**
- 3. Adjourn –**

MEETING 7:00 PM

- 1. CALL TO ORDER –**
- 2. ROLL CALL –**
- 3. APPROVAL OR AMENDMENT OF AGENDA-**
- 4. APPROVAL OF DECEMBER MINUTES–**
- 5. CONFLICT STATEMENT –**
- 6. ADMINISTRATOR COMMENTS –**
- 7. CITIZEN COMMENTS –**
- 8. OLD BUSINESS–**

- A) Discussion and Possible Action on Special Events and Ordinance / Temporary Use Permits–**
- B) Discussion and Possible Action on Amending Off Street Parking spaces –**
- C) Discussion and Possible Action on Definitions –**
- D) Discussion and Possible Action on Commercial/Industrial/Mixed Use–**
- E) Discussion and Possible Action on Amending Table of Uses–**
- F) Discussion and Possible Action on Land Use Ordinance–**
- G) Discussion and Possible Action on Timeshare and Camp Resort Act –**
- H) Discussion and Possible Action on Transportation Master Plan, Main Street Locations, Dedicated Trails and Cross Section/Right of Way Road Planning–**
- I) Discussion and Possible Action on Approving a Demolition Permit Application (Escrow) Requirements –**

9. NEW BUSINESS–

- A) Discussion and Possible Action on Voting on a Chairperson for Planning and Zoning Commission**
- B) Discussion and Possible Action on Voting on a Vice Chairperson for Planning and Zoning Commission –**
- C) Discussion and Possible Action on Commercial Lighting –**
- D) Discussion and Possible Action on Simple Subdivision Application, Preliminary Plat Application and Final Plat Application (sent by Sunrise Engineering) –**
- E) Discussion and Possible Action on New and Renewed Short Term Rentals Applications –**
- F) Discussion and Possible Action on Filling the Open Planning and Zoning Seat –**

10. FINAL CITIZEN COMMENTS –

11. FINAL COMMENTS –

12. ADJOURNMENT–

BIG WATER PLANNING AND ZONING
Big Water Town Hall, 60 Aaron Burr, Big Water, Utah 84741

DRAFT MINUTES

6:00 PM WORK SESSION

7:00 PM Public Hearing: Annexation Policy Plan

7:01 Public Hearing: Amending Municipal Code 5.01.050 Business License Regulations

7:02 Public Hearing: Amending Zoning Code 15.20.090 Allowed Signage

7:03 Public Hearing: Amending Zoning Code 15.42.010 Definitions

Monday, December 9, 2024

WORK SESSION 6:00 P.M

1.Call to Order- 6:01pm

2.Discuss Meeting Agenda Items— Discussion on the Demolition application. What are we going to consider as part of the application. Discussed what was to be required and the fees that go with it. Some discussion that the current fee schedule for demolition man hours may be too high. The fees aimed to deter incomplete demolitions and ensure cleanup was affordable but adequately compensated. Potential liens on properties were discussed to recover costs if residents failed to pay demolition fees. Focus on the Utah Division of Air Quality's processes for certified asbestos contractors. Concerns arose about the practicality of directing residents to state-level resources and websites, especially when they were linked via external web pages. Suggested updates to demolition forms to improve clarity about homeowner or contractor insurance requirements. Helping those property owners that cannot do anything for lack of funds and legal process for those who won't be compliant. Fees discussed were seen as potentially discouraging for residents wanting to clean up dilapidated properties. Emphasis was placed on balancing the need to cover town costs and encouraging residents to undertake demolitions responsibly. Addressed challenges of collecting fees through property liens, especially when properties were in probate or owned outright.

Discussed the written responses that were received in response to the annexation policy plan. Most responses were positive. Discussion on proposed roads to be drawn on the map. Discussion on the fire inspections every five years back to the annual fire inspection per the Fire Chief. The codes must match, and they currently do not. Katie discusses with the planning commission that there is now a system in place to hopefully streamline the fire inspection process so as not to hold up the business licenses.

3.Adjourn – 7:03pm

PUBLIC HEARINGS:

7:00 PM Public Hearing: Annexation Policy Plan— 7:03pm

No comments Close 7:07pm

7:01 Public Hearing: Amending Municipal Code 5.01.050 Business License Regulations—7:07pm.

Adam Wagner: What is the change to the definition? Robert: No changes to the application. Public hearing was already in motion, no longer any changes requiring a public hearing. Close 7:09pm

7:02 Public Hearing: Amending Zoning Code 15.20.090 Allowed Signage—7:09pm

Tom Reneau- I was reading over the verbiage, and I didn't see where it addresses the electronic billboards such as the one that went up at the new RV park. Jenni: Number 7, Animated flashing or animated signs shall be subject to approval by the Planning and Zoning Commission and shall be to a maximum size of 36 by 24. I am guessing that is inches. Which shall be located in the business window only. Tom: Okay that

doesn't apply to that electronic billboard because the size is wrong. And it's not in a business window. Jenni: I am curious about that myself. Nicole: The sign in question is being addressed separately. Tom: Also, political signs aren't addressed. Jenni-I think there's something in the election code that stipulates that. It is a state law unless it has changed. Nicole: Big Water cannot do anything extra on top of what is already in place by the county. Robert: We have to be careful about private property signs because that is where you get into free speech or political.

Close 7:14pm

7:03 Public Hearing: Amending Zoning Code 15.42.010 Definitions—7:14pm

Adam Wagner- Could you read the definition it was not on the public handout. Jenni: Demolition Project - a demolition project is the wrecking, salvage, or removal of any load supporting structural member of a regulated facility together with any related handling operations or the intentional burning of any regulated facility. This includes the moving of an entire building but excludes the moving of structures, vehicles, or equipment with permanently attached axles such as trailers, motorhomes, and mobile homes that are specifically designed to be moved. Adam: Could they be burned? Robert: It could be under the fire department training as long as it is not toxic. The fire chief must apply with a written request for this kind of training. Adam: Is it the intent of the city to start demolishing buildings not owned by anyone. Robert: We have nothing for demolitions, so we are adding it to our code.

Close 7:19pm

MEETING 7:03 P.M.

1. CALL TO ORDER – 7:19pm

2. ROLL CALL – Commission members in attendance: Wryht Short, Nicole Wood, Jenni Johnson; Chair Robert Wilkes—Absent: Tyler Sharp

3. APPROVAL OR AMENDMENT OF AGENDA-Jenni motions to approve, Nicole seconds- All aye- Motion passes

4. APPROVAL OF NOVEMBER MINUTES– Wryht motions to approve, Nicole seconds All aye- Motion passes

5. CONFLICT STATEMENT – None

6. ADMINISTRATOR COMMENTS – Compliance, compliance, compliance. That's what I'm working on and I'll be setting up some new Ideas and plans that I'll be testing by the board and town council as soon as I get them together. You'll know what they all pertain to and how It's to get people in compliance and citizens to help each other.

7. CITIZEN COMMENTS – Adam Wagner- Enters letter of intent for open P&Z board and states his background for the open P&Z seat in January 2025.

OLD BUSINESS

A) Discussion and Possible Action on Special Events Permit and Ordinance / Temporary Use Permit– Table

B) Discussion and Possible Action on Amending Off Street Parking spaces – Table

C) Discussion and Possible Action on Definitions – Table

D) Discussion and Possible Action on Commercial/Industrial/Mixed Use– Table

E) Discussion and Possible Action on Amending Table of Uses– Table

F) Discussion and Possible Action on Land Use Ordinance– Table

G) Discussion and Possible Action on Timeshare and Camp Resort Act – Table

H) Discussion and Possible Action on Transportation Master Plan, Main Street Locations and

Dedicated Trails– Wryht- I've been attending the meetings with the Town Engineers. He would like us to discuss where a main street should go, and future roads. Discussion on the gravel trucks and there in and

out access, moving the truck route to go back and around Big Water and connecting the road to the highway towards the GCSSD North Well. Progress has been made on planning a main street near the visitor center. The main issue is dealing with ordinances on existing private properties. Some alternative locations have been suggested, particularly lowland areas. A new suggestion involves placing the main street behind the canyon, which seems promising. Discussion about utilizing Highway 89 as a main street. Some key concerns include; High traffic speeds (55-65 mph) with no plans to lower them and UDOT's unwillingness to provide easements or reduce speed limits. Comparison to other towns like Kanab, Orderville, and Mount Carmel were referenced as examples: Kanab and Panguich have junctions that require slower speeds. Orderville has managed without a junction but still facilitates slowing traffic. Big Water lacks similar infrastructure (e.g., streetlights or junctions). Big Water has challenges with infrastructure like frontage road placement and limited space are significant issues. A proposed main street would be significantly spread out due to the frontage roads, making integration difficult. The proximity of boat storage facilities complicates the placement of a cohesive main street. Our interaction with UDOT and past attempts to negotiate with UDOT for easements and reduced speed limits were unsuccessful. A proposal to present Highway 89 as the official main street could potentially renew discussions. It was also proposed to get Levi from Sunrise down here for a field trip on location.

I) Discussion and Possible Action Cross Section/Right of Way Road Planning– combine with item H.

J) Discussion and Possible Action on Requiring an Escrow Fee with Demolition Permit Application (draft)– Nicole sent the clerk a link to add new asbestos info to application. Table

9. NEW BUSINESS–

A) Discussion and Possible Action on the Annexation Policy– Motion to approve and forward on to Town Council made by Jenni, Nicole seconds. All ayes. Motion passes.

B) Discussion and Possible Action on Proposed Ordinance 15-2024 Amending Zoning Code 15.20.090 Allowed Signage– Motion to approve and forward on to Town Council made by Jenni, Wryht seconds. All ayes. Motion passes

C) Discussion and Possible Action on Proposed Ordinance 17-2024 Amending Zoning Code 15.42.010 Definitions for Demolition – Motion to approve and forward on to Town Council made by Nicole, Wryht seconds. All ayes. Motion passes

D) Discussion and Possible Action on verbiage of Proposed Ordinance 18-2024 Municipal Code 5.01.050 Business License – Application – Issuance – No action. Remove from agenda.

E) Discussion and Possible Action on Amending the Fee Schedule for Demolition Escrow Requirements – Motion to approve the demolition escrow requirements and forward on to Town Council with a fee schedule made by Jenni, Nicole seconds. Wryht Nay. Motion passes by majority.

F) Discussion and Possible Action on Short Term Rentals Applications– No new STR's to approve.

G) Discussion and Possible Action on Annual Planning and Zoning Meeting Schedule– Motion to approve made by Nicole, Jennie seconds. All ayes. Motion passes

10. FINAL CITIZEN COMMENTS– Adam Wagner- Considering the email Notes regarding the floor plan Is it acceptable to indicate when we submit the STR just to indicate that there's been no changes to the floor plans and the rentals from the previous year. Nicole: I think the question is where your original floor plans hand drawn to scale with a scale on there or were they just drawn up on a piece of paper. Adam: I used graph paper, and I did them to scale. Nicole: so that should be approved Just fine, right? Discussion on adding a box to check if nothing has changed on a renewal of a short-tern rental application.

11. FINAL COMMENTS– Robert: Thanks Jenni for her service to the Board and appreciates all she brought to the meetings. He learned a lot from her.

12. ADJOURNMENT– Motion made to adjourn the meeting made by Jenni and seconded by Wryht, All ayes. 7:44pm

DEMOLITION/MOVING PERMIT APPLICATION

Applicant/Business Name	
Applicant Mailing Address	
City, State and ZIP Code	
Contact Number	
Email Address	

Property Owner's Name	
Property Address (Demolition Site)	
City, State, and ZIP Code	
Parcel/Lot Number	

Type of Structure to be Demolished	
Description of Structure	
Reason for Demolition	
Proposed Start Date	
Expected Completion Date	

The following items are required prior to a Demolition Permit being issued:

MAKE SURE ALL UTILITIES HAVE BEEN SHUT OFF/DISCONNECTED PRIOR TO DEMOLITION WORK

Contact Power (Garkane) 800-747-5403; Water 435-675-3760; Gas (Garkane Propane)-866-735-4280 or (AmeriGas) 435-644-2915; Blue Stakes 800-662-4111

- | |
|---|
| ☐ 1 Copy of Notice of Disconnection for Power, Water and Propane (if necessary) |
| ☐ 1 Copy of insurance ☐ N/A |
| ☐ 1 Copy of Contractors License (if contractor executing work) |
| ☐ 1 Copy of asbestos report from a certified inspector. A certified abatement contractor is required for any asbestos removal unless the homeowners are doing the work themselves |
| ☐ 1 Copy Proof of Ownership of Real Property |
| ☐ 1 Site Plan or drawing of property showing all buildings, structures, hard surface areas, fences, walls, trees, etc. |
| ☐ 1 Copy of the approved and paid DEQ 10-day Notification of Demolition approval and Asbestos Removal Report. Contact Utah State Air Quality at 801-536-4000 for the State-Issued Asbestos Report. A certified abatement contractor is required for any asbestos removal (unless the homeowner is doing ALL the work). Please note the Date of Demolition. This is your time frame for the demolition. Permits will not be issued if the ending date has passed. |
| ☐ This permit becomes null and void if work has not commenced within the allowed time period listed on the "10-day Notification of Demolition" unless approval has been granted by the Utah State Air Quality and supplemental documentation has been provided to the authorizing jurisdiction. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work shall be complied with whether specified herein or not, the granting of this permit does not presume to give authority to violate or cancel provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under the penalty of perjury. |

Applicant's Name _____ Date _____

☐ Owner ☐ Contractor ☐ Other, specify _____

For Office Use only: Report Code Application Type _____
Plans Approved By: _____ Date _____ P&Z Approval _____ Date _____

Site Plan ☐	Waste Disposal Plan ☐	Proof of Insurance ☐
Utility Disconnection Verification Electricity ☐ Water ☐ Gas ☐	Environmental and Hazardous Materials Report ☐	Contractor License ☐
TOTAL FEES \$ _____	AMOUNT PAID \$ _____	RECEIPT # _____

DEMOLITION/MOVING PERMIT SIGNATURES

Job Address (Property)		
Subdivision/Lot #		
DEMOLITION PERMIT SIGNATURE REQUIREMENT		
Water Division	435-675-3760	
Propane Company	(Garkane) 866-735-4280 or (AmeriGas) 435-644-2915	
Garkane Energy	800-747-5403	
Phone Company	800-662-4111	
Asbestos Clearance	(You Hire)	
Blue Stakes	800-662-4111	

ALL SIGNATURES ABOVE ARE REQUIRED AT THE TIME OF PERMIT APPLICATION

*Please bring this document, once completed, along with the application

*Accepted page from the State Demo Permit submittal

*Please see <https://deq.utah.gov/air-quality/requirements-prior-to-demolition>

I Certify that I have read and examined this application and know the same to be true and correct. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local laws regulating construction of the performance of construction.

Signature

Date

☐ Owner

☐ Contractor



UTAH DEPARTMENT of
ENVIRONMENTAL QUALITY

**AIR
QUALITY**

What is Required Before a Demolition?

What is a demolition? Utah Asbestos Rule says a demolition project means the wrecking, salvage, or removal of any load-supporting structural member of a regulated facility together with any related handling operations, or the intentional burning of any regulated facility.

The Steps	The Details
(1) Have an asbestos inspection done by a Utah certified asbestos company/individual	Before a demolition can take place, an asbestos inspection must be done by a Utah certified inspector working for a Utah certified company. <i>A list of certified companies can be found by following the link at the bottom of this document.</i> Companies who perform inspections will be marked with an "I" on the list.
(2) If the certified asbestos inspector finds any regulated asbestos-containing materials (RACM), then it must be removed by a Utah certified asbestos company prior to the demolition. If the certified asbestos inspector does not find any RACM, then move onto step 3, below.	<i>A list of certified companies can be found by following the link at the bottom of this document.</i> Companies who remove asbestos (called abatement) will be marked with an "A" on the list. If you don't know if RACM was found during the inspection, then talk to your inspector or contact the DAQ for help.
(3) Fill out and send the demolition notification form to the DAQ. Pay the application fee.	OPTION 1 Complete the notification form and pay online through the ATLAS Public Portal by following these instructions: 1. Request access to ATLAS Public Portal on the DAQ Website: http://asbestos.utah.gov Select "Request Database Access" under ATLAS Database 2. Complete the <i>access request form</i> by entering your name, phone number, email, company info and selecting submit. 3. Check your email for password setup information from atlas_admin@utah.gov with instructions to setup a password containing at least 8 characters that include an uppercase letter, lowercase letter, and a number.

	4. Login and complete your demolition form and pay the required fee at the ATLAS Public Portal website below: http://asbestos-lead.utah.gov OPTION 2 Complete the form manually by following these instructions: 1. Download the Demolition Form from the DAQ website: http://asbestos.utah.gov <i>Select "Forms" and find the Demolition Notification Form</i> 2. Pay the application fee through the DEQ Marketplace on the DAQ Website: http://asbestos.utah.gov <i>Select "Forms" and then select the "Pay Here" button</i> 3. Complete payment information and upload the completed notification form from Step 1 with your payment.
(4) Contact your local agencies.	Don't forget to contact your municipality, county, or health dept.

Things to Remember:

- The demolition notification form requires a 10-working day notification period. This means that the start date must be *two weeks* or more from the day you submit and pay for the notification form. You cannot start demolition any sooner than your start date. You may remove interior fixtures such as lighting and plumbing before your start date.
- Demolition start and end dates are not a "window of opportunity." You must start the demolition on your start date and end the demolition on your end date. You can revise the start and end dates as many times as you need to as your project timeline changes.
- Revisions (changes to the form), are submitted to the DAQ online or by email. Please note: if you are changing your start or end dates, there are restrictions on when you can make changes (see below):
 - If the *new start date is later than the original start date*, then you must send your revised form to the DAQ no later than the day before the original start date.
 - If the *new start date is earlier than the original start date*, then you must send your revised form to the DAQ at least ten working days before the new start date.
 - If you *finish the project earlier than your original end date*, then you must send your revised form to the DAQ when you finish your project.
 - If you *need more time to finish and want to extend your end date*, then you must send your revised form to the DAQ no later than your original end date.
- The demolition notification fee is determined by the square footage of the building being demolished (all levels, including subsurface levels). The fee includes a base fee of \$27.50 and a per unit fee of \$55 for every 5,000 square feet or fraction thereof. Therefore, for any structure that is 5,000 square feet or less, the fee is \$82.50. If you need help calculating your application fee, please contact DAQ.

UTAH CERTIFIED COMPANIES LIST

A list of certified companies can be found on the DAQ Website: <http://asbestos.utah.gov>

Navigate to **Professional Asbestos Service Providers in Utah**

Select **Certified Asbestos Companies** to download the list

OR

Use the direct link below to download the document:

[https://lf-public.deq.utah.gov/WebLink/Search.aspx?searchcommand={\[:\[DEQ%20Number\]=%22DAQ-2017-002404%22}&repo=Public&?dbid=0](https://lf-public.deq.utah.gov/WebLink/Search.aspx?searchcommand={[:[DEQ%20Number]=%22DAQ-2017-002404%22}&repo=Public&?dbid=0)

Still have questions? Contact Us:

Utah Division of Air Quality (DAQ)

Telephone: 801-536-4000

Email: asbestos@utah.gov

Address: 195 North 1950 West, 4th Floor

Salt Lake City, UT 84116

Program Coordinator: Barbara Perkins

Telephone: 801-536-0221

Email: asbestos@utah.gov

Last updated on 6/7/24 (IDWQ-2024-007944)

**BIG WATER MUNICIPAL
TOWN COUNCIL
REGULAR MEETING
AGENDA**

Wednesday January 15, 2025

60 N Aaron Burr, Big Water, Utah 84741

6:30pm Work Session

7:00pm Public Hearing: Amending Big Water Municipal

7:00pm Meeting

WORK SESSION-

CALL TO ORDER— Mayor calls to order at 6:30 PM

1. ROLL CALL- Council Members in Attendance: Mayor- Schmucker| Council Members- Lybarger, Lassen, McConville and Banfill| Absent- None

2. DISCUSSION ON AGENDA ITEMS— Old Business A) Discussion on setting date for Fire Dept. funds. Set date 1/22/25 at 5:30pm tentatively depending on Fire Chief and Marshal availability.

New Business A) Robert Wilkes in attendance from P&Z- He discusses and explains the demolition permit escrow fees. Safety concerns regarding unfinished demolition projects. He states that demolition is not cheap. It's \$1,000 per dumpster. If they complete that demolition, they get their money back. It's not a fee. He explained that just because the town can put a lien on a property that they are going to get their money. That could take 20 years. The council asks who is determining the fees. Robert responses with they were copycatting the towns around us. Jennie responds with maybe they could come up with a fee based on the square footage instead of someone picking an arbitrary range amount, since they must pay \$2,000 to the state for an asbestos permit already. We can revisit this in P&Z to firm up details and discuss negotiating the fee amounts.

New Business B) Identified inconsistencies in definitions and responsibilities within the Alcohol Beverage Control code and proposed strategies for clarification. Identified conflicting definitions of "Licensing Officer" and "Licensing Authority" within the code. Katie to comb through and make change suggestions to Municipal Code 5. Keep on old business.

NB. C) LMC new beer license to approve.

NB) D Public hearing to add funds – Jim Lybarger questions where the money will come from to fund the Marshals dept. keeping Deputy Marshal and paying him. Questions about a \$20,000.00 cap that was voted on last month? The treasurer explains that the amount voted on was \$13,000 to finish out the fiscal year. Funding will have to be discussed for next year's budget. Discussed where money is to come from.

Personnel Policies: Addressed state-mandated updates to include anti-bias policies and revisions to hiring procedures.

NB G) Chief Pierson in attendance to explain mandates for HB 378. Through the Utah Fire Chiefs Association, I am a liaison to their board. There are members of that board that are part of that committee. The grants are no longer as available as they were. Right now, you have money available. If there's a big incident and you need some people to come in and help you get through that, money is available for that. There's also individual counseling through a group that is available that the state is funding. So, they had grants out for two or three years that you could apply for one-time money. According to this, we are required to supply mental health to all our first responders.

3. ADJOURN— 7:06pm

15.06.030 Planning Commission

There is hereby created and established a Big Water Town Planning Commission ("Commission").

1. **Powers and Duties.** The Planning Commission shall be an advisory body to the Council on legislative matters pertaining to the General Plan, this Ordinance, and the Big Water Town Subdivision Ordinance. The Commission shall have the following powers and duties:
 - a. To prepare, or cause to be prepared, the Big Water Town General Plan, any plan element, any amendments thereto, and to submit the proposed plan, element or amendments to the Council.
 - b. To prepare or cause to be prepared the Big Water Town Zoning Ordinance, any amendments thereto, and to submit the Ordinance or amendments thereto to the Council.
 - c. To prepare or cause to be prepared the Big Water Town Subdivision Ordinance, any amendments thereto, and to submit the Subdivision Ordinance or amendments thereto to the Council.
 - d. To hear, review, approve, approve with conditions, or deny, applications for Conditional Use Permits.
 - e. To hear, review, approve or deny application for Apiary/Beekeeping, as authorized by this Ordinance.
 - f. To hear, review, approve or deny, or recommend approval or denial of development applications, as authorized by this Ordinance and the Big Water Subdivision Ordinance.
 - g. To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, for the consideration of applications and for any other purposes deemed necessary by the Commission provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which bylaws, policies, and procedures shall first be approved by the Big Water Town Council before taking effect.
 - h. To hear, review, and decide appeals of determinations of application completeness made by Zoning Administrator if the applicant considers the determination made by the Zoning Administrator to be in error.
 - i. Advise the legislative body on other matters as the legislative body directs.
2. **Qualifications for Membership.** Members of the Planning Commission shall be appointed by the Big Water Town Council.
3. **Membership: Appointment, Removal, Terms, and Vacancies.**
 - a. The Planning Commission shall be composed of five (5) members, appointed by the Town Council.
 - b. The Council, after finding cause, may remove any member of the Commission for a violation of this Ordinance or any policies or procedures adopted by the Commission following receipt of a written complaint filed against the member. The Council shall provide the member with a hearing, if requested.
 - c. Members of the Commission may be compensated on a per diem basis, based upon meetings actually attended and reasonable and necessary expenses, as determined by the Council.

- d. All members of the Commission shall serve a term of four (4) years. No member shall serve more than two (2) consecutive terms. However, if no qualified applicant is available to fill a vacancy, a sitting member may remain on the Commission past his/her term until a replacement is appointed or seated. (Ordinance 2016-1)
 - e. At an annual organizational meeting to be held the first regular meeting in January, and at other times as required, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term of two (2) years. No member shall serve as chair for more than two (2) consecutive terms.
 - f. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.
4. **Recording Secretary.** The Council shall appoint a recording secretary to serve the Commission. The Recording Secretary shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The Recording Secretary shall be compensated as approved by the Council.
5. **Quorum and Necessary Vote.** No meeting of the Commission may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the Commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. All actions of the Commission shall require the vote of a majority of the members, whether sitting as a whole or a quorum.
6. **Meetings, Hearings and Procedure.**
- a. The Commission shall establish a regular meeting schedule.
 - b. Special meetings may be requested by the Council, the chair of the Commission, or a majority of the members of the Commission.
 - c. If a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify all interested parties and all members of the Commission of the date when the rescheduled matter will be heard by the Commission.

HISTORY

Adopted by Ord. [2004-235](#) on 12/21/2004

Amended by Ord. [2016-1](#) on 1/19/2016

Town of Big Water Preliminary Plat Application

Fee: _____

Applicant Full Name: _____

Mailing Address: _____ City: _____ State: _____
Zip: _____

Phone Number: _____ Email Address: _____

Authorized Agent (if applicable): _____

Property Address: _____ City: _____ State: _____
Zip: _____

Tax ID Number: _____

Current Zoning Designation: _____

Submittal Requirements

The following shall be provided for the Preliminary Plat Application as required by Big Water Town Code § 14.06.030:

- ☐ **Preliminary Subdivision Plat to be Provided.** A preliminary plat, prepared by a licensed land surveyor, shall be provided. The preliminary plat shall be in an appropriate electronic format, and all sheets shall be numbered. At a minimum, one PDF copy shall be presented to the Town Clerk and shall show the following:
 - ☐ A layout plan of the proposed subdivision, at a scale of no more than 1" = 100', or as recommended by the Zoning Administrator and/or Town Engineer.
 - ☐ Located at the top and center of the preliminary plat, the proposed name of the subdivision and the section, township, range, principal median, and County of its location.
 - ☐ A title block, placed on the lower right-hand corner of the plat showing:

- ☐ Name and address of the owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 - ☐ Date of preparation of the preliminary subdivision plat, and all revision dates.
- ☐ North arrow, graphic and written scale, and basis of bearings used.
- ☐ All proposed lots, rights-of-way, and easements created by the proposed subdivision and their bearings, lengths, widths, name, number, or purpose shall be given. The area of all lots created, with their addresses shall be shown.
- ☐ A vicinity map of the site at a minimum scale of 1' = 1000'.
- ☐ Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. The location of the property with respect to surrounding property and roads, and the names of all adjoining property owners of record shall be shown.
- ☐ The legal description of the entire subdivision site boundary.
- ☐ The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation.
- ☐ **Required Subdivision Site Information.** On separate sheets, at the same scale as the preliminary subdivision plat information, the following subdivision site information is required:
 - ☐ The identification of known natural features including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, areas of slope exceeding 30% grade, flood channels as identified by a Federal or State Agency, all water bodies and drainage ways, and any other natural features as required by the Planning Commission, for the entire subdivision site, including the total acres in each.
 - ☐ Existing site contours, at intervals of no greater than two (2) feet, unless otherwise approved by the Planning Commission, overlaid with the proposed subdivision layout.
 - ☐ The location of any known man-made features on, or contiguous to the subdivision site, including existing platted lots, all utility easements, railroads, power lines and power poles, bridges, culverts, drainage

channels, road rights-of-way and easements, field drains, and well or spring protection areas.

- ☐ The location dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.
- ☐ The layout of proposed power lines, including the source and connection to the existing power supply.
- ☐ All existing and proposed roadway locations and dimensions, with cross sections of all new roads, proposed to be dedicated to the Town, showing the grades of all proposed streets and roads and all proposed cuts and fills exceeding three (3) feet. The proposed radius of all centerline curves shall be shown.
- ☐ The location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells and springs, and the location of all proposed absorption and drain fields, as required by the South West Utah Public Health Department or the Utah Department of Environmental Quality, as applicable, overlaid with the proposed subdivision layout plan.
- ☐ Proposed storm drainage system.
- ☐ The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water liens serving fire hydrants.
- ☐ **Title Report.** A Title Report for the property proposed to be subdivided, provided by a Title Company within 30 days of the date of the preliminary subdivision application.
- ☐ **Tax Clearance.** A tax clearance from the Kane County Treasurer indicating that all taxes, interest, and penalties owing for the property have been paid.
- ☐ **Property Owner Addresses.** Addresses of all owners of record of real property located within 300 feet of the property boundary of the property proposed to be subdivided.
- ☐ **Evidence of Availability of Necessary Services.** The following information is required to be presented as part of the preliminary subdivision application, necessary to establish the availability of basic services to the proposed subdivision.
 - ☐ **Culinary Water Requirements.** The Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable, shall evaluate the proposed culinary water system. It shall be the responsibility of the applicant to provide information and materials as required by the Southwest Utah Public Health Department, or the Utah

Department of Environmental Quality, necessary to evaluate the proposed culinary water system.

- **Wastewater Requirements.** The Southwest Utah Public Health Department, or the Utah Department of Environmental Quality, as applicable, shall evaluate the proposed sanitary sewer system. It shall be the responsibility of the applicant to provide information and materials, as required by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, necessary to evaluate the proposed sanitary sewer system.
- **Subdivision Roads and Streets.** The preliminary subdivision plat, and other application materials, shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets, as required by the Town.

All subdivision streets shall be designed as required by the Town. The Town Engineer shall review the proposed street and road design for compliance with the requirements of the Town. The proposed street and road layout shall provide adequate and safe access to all proposed lots and proposed and existing roads and streets. If the subdivision will be accessed from a State Highway, an appropriate access permit, as required by the State of Utah Department of Transportation, shall be provided with the application materials. If the subdivision will be accessed from a County Road, authorization from Kane County to allow subdivision access from a County Road shall be provided with the application materials.

- **Special Service District or Special Service Area.** If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter shall be provided, with the preliminary subdivisions application materials, from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.
- **Additional Information and Materials when Necessary.** When the Planning Commission deem necessary, the applicant may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control wildlife habitat, and any other physical or environmental matters.
- **Subdivision Improvement Plans.** Subdivision Improvement Plans shall be submitted with the Preliminary Plat application and shall include the following information:

- ☐ North arrow.
 - ☐ Elevations referenced to USGS datum.
 - ☐ Chapter block located on the right side of the sheet to include:
 - ☐ Project chapter.
 - ☐ Specific type and location of work.
 - ☐ Name of engineer or firm preparing the Subdivision Improvement Plans with his or her signature(s). Utah engineer's stamp shall be required on all pages of the Subdivision Improvement Plans.
 - ☐ Scale shall be acceptable to the Town Engineer.
 - ☐ Plan views and profiles of the relationship of the street to curb and gutter is required for all public and private roads. Top-of-curb elevations with curve data must be shown for all curb returns. There must be enough information to establish roads on the ground with top-of-curb elevation at all curb returns.
 - ☐ Utility plans showing the size, type, and location of the following:
 - ☐ Culinary water laterals, mains, meters, valves, and fire hydrants.
 - ☐ Secondary and irrigation laterals, mains, meters, valves, etc.
 - ☐ Sanitary sewer, storm drains and subdrains and their manholes, inlet boxes, catch basins and clean outs.
 - ☐ Power, natural gas, and cable television.
 - ☐ Streetlights.
 - ☐ Any other utilities the Town may require.
 - ☐ All walls and fences to be constructed.
 - ☐ All easements and rights-of-way.
 - ☐ Grading plan showing existing and proposed topography.
 - ☐ **Separate Sheets with Details.** As needed, each set of plans shall be accompanied by a separate sheet of details for structures that are to be constructed. All structures shall be designed in accordance with minimum requirements established by Town Standards.
-

(For Office Use Only)

Date Received: _____ Date Paid: _____

Staff Review of Preliminary Plat Application

Is the application complete with all required documentation and information? No review shall commence until the Town determines the application is complete. (*Big Water Town Code § 14.06.010(5)*).

Date of Completion Determination: _____

Preliminary Plat Review

The review of the Preliminary Plat shall comply with Big Water Town Code § 14.06.010.

Date Review Cycle #1 Index Provided to Applicant: _____

Date of Applicant's Resubmittal: _____

Date Review Cycle #2 Index Provided to Applicant: _____

Date of Applicant's Resubmittal: _____

Date Review Cycle #3 Index Provided to Applicant: _____

Date of Applicant's Resubmittal: _____

Date Review Cycle #4 Index Provided to Applicant: _____

Date of Applicant's Resubmittal: _____

Recommendation to Planning Commission:

Preliminary Plat Approval

Date of Public Hearing: _____

Date of Planning Commission Decision: _____

☐ Approved

☐ Denied

Town of Big Water Final Plat Application

Fee: _____

Applicant Full Name: _____

Mailing Address: _____ City: _____ State: _____
Zip: _____

Phone Number: _____ Email Address: _____

Authorized Agent (if applicable): _____

Property Address: _____ City: _____ State: _____
Zip: _____

Tax ID Number: _____

Current Zoning Designation: _____

Submittal Requirements

The following shall be provided for the Final Plat Application as required by Big Water Town Code § 14.08.030:

- ☐ **Final Subdivision Plat:** A final subdivision plat, prepared by a licensed land surveyor, conforming to current surveying practice and in a form acceptable to the Kane County Recorder for recordation. The final subdivision plat shall be prepared in an electronic format and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). The final subdivision plat shall be provided in an electronic format. A minimum of eight (8) paper copies shall be presented to the Town Clerk as part of the final subdivision plat application.

The final subdivision plat shall match the approved preliminary subdivision plat and shall show the following:

- ☐ Notation of any self-imposed restrictions, including proposed final restrictive covenants, signed by all owners of interest and bearing the acknowledgment of a public notary, and all other restrictions as required by the Town Council in accordance with Title 14 of the Big Water Town Code.
- ☐ Endorsement on the final plat by every person having a security interest in the subdivision property subordinating their liens to all covenants, servitudes, and easements imposed on the property.
- ☐ The location of all monuments erected, corners, or other points established in the field. The material of which the monuments, corners, or other points are made shall be noted. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.
- ☐ The owner's certificate of dedication(s) including a legal description of the subdivision's boundaries and the dedication of any public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
- ☐ Signature blocks prepared for the dated signatures of the Mayor, Planning Commission Chair, Town Engineer, and Town Attorney.
- ☐ **Title Report.** If the final subdivision application is filed with the Town after 180 days from the date the preliminary subdivision application is approved by the Town, a Title Report, not older than 30 days, shall be provided as part of the final subdivision application.
- ☐ **Other Final Subdivision Application Information and Materials.** The following information is required to be presented as part of the final subdivision application:
 - ☐ All existing and proposed streets are designed as required.
 - ☐ Establishment of any bonds and agreements and the payment of any engineering inspection fees.

(For Office Use Only)

Date Received: _____ Date Paid: _____

Staff Review of Final Plat Application

Is the application complete with all required documentation and information? No review shall commence until the Town has determined that the applicant has submitted a complete application. (*Big Water Town Code § 14.08.010(3)*).

Date of Completion Determination: _____

Final Plat Review

The review of the Final Plat shall comply with Big Water Town Code § 14.08.010.

Date Review Cycle #1 Index Provided to Applicant: _____

Date of Applicant's Resubmittal: _____

Date Review Cycle #2 Index Provided to Applicant: _____

Date of Applicant's Resubmittal: _____

Date Review Cycle #3 Index Provided to Applicant: _____

Date of Applicant's Resubmittal: _____

Date Review Cycle #4 Index Provided to Applicant: _____

Date of Applicant's Resubmittal: _____

Recommendation to the Land Use Authority:

Final Plat Approval

Date of Land Use Authority Decision: _____

- ☐ Approved
- ☐ Denied

Date of Final Plat Recordation: _____

Town of Big Water Simple Subdivision Application

Fee: _____

Applicant Full Name: _____

Mailing Address: _____ City: _____ State: _____
Zip: _____

Phone Number: _____ Email Address: _____

Authorized Agent (if applicable): _____

Property Address: _____ City: _____ State: _____
Zip: _____

Tax ID Number: _____

Current Zoning Designation: _____

Required Conditions

As per 14.22.040 of the Big Water Town Code, for a proposed subdivision to qualify for a simple subdivision approval, the proposed subdivision shall:

- ☐ Be for a single-family dwelling or dwellings and any associated accessory dwelling.
- ☐ Be located on property zoned for such use.
- ☐ Result in no more than four (4) lots.
- ☐ Show frontage on a dedicated roadway for each resulting lot, as required by the existing zoning.
- ☐ Not contain any legislative approval, such as a zone change or general plan amendment request. Any legislative approval necessary for the simple subdivision to meet all requirements shall be pursued separately and shall be completed before the Planning Commission may review the simple subdivision application.

- ☐ Not be traversed by the mapped lines of a proposed street as shown in the general plan or master transportation plan.
- ☐ Conform to all applicable land use ordinances. A property that has previously obtained a variance shall be deemed to conform as it relates to the conflict that had necessitated the variance.

Submittal Contents

As per 14.22.050 of the Big Water Town Code a simple subdivision shall include Subdivision Improvement Plans meeting the requirements outlined in 14.06.030(8) of the Big Water Town Code and shall at a minimum contain the following:

- ☐ A title report showing ownership by the applicant.
- ☐ Name of the applicant or authorized agent and contact information.
- ☐ Property address, acreage, boundary, and tax identification number.
- ☐ Date, scale, and North arrow.
- ☐ Vicinity map showing the location of the property relative to municipal boundaries and roads that serve the property.
- ☐ A current title report and notarized permission form from all lienholders.
- ☐ A current statement containing the zone, lot size, and amount of frontage along a public street for each proposed lot.
- ☐ A metes and bounds description of the property proposed to be split.
- ☐ A subdivision name.
- ☐ A record of survey map, showing each new lot, which includes the following details:
 - ☐ The location of survey by quarter section and township range.
 - ☐ The date of survey.
 - ☐ The scale of the drawing and North point.
 - ☐ The distance course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision.
 - ☐ All measured bearings, angles, and distances separately indicated from those of record.
 - ☐ A written boundary description of property surveyed.
 - ☐ All monuments set and their relation to older monuments found.
 - ☐ A detailed description of monuments found and monuments set, indicated separately.
 - ☐ The surveyor's seal or stamp.
 - ☐ The surveyor's business name and address.

- ☐ A written narrative that explains and identifies:
 - ☐ The purpose of the survey.
 - ☐ The basis on which the lines were established.
 - ☐ The found monuments and deed elements that controlled the established or reestablished lines.
- ☐ If the narrative is a separate document, it shall contain:
 - ☐ The location of the survey by quarter section and by township and range.
 - ☐ The date of the survey.
 - ☐ The surveyor's stamp or seal.
 - ☐ The surveyor's business name and address.
- ☐ The map and narrative shall be referenced to each other if they are separate documents.
- ☐ The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the County Surveyor.
- ☐ **Subdivision Improvement Plans.** Subdivision Improvement Plans shall include the following information (*Big Water Town Code § 14.06.030 (8)*):
 - ☐ North arrow.
 - ☐ Elevations referenced to USGS datum.
 - ☐ Chapter block located on the right side of the sheet to include:
 - ☐ Project chapter.
 - ☐ Specific type and location of work.
 - ☐ Name of engineer or firm preparing the Subdivision Improvement Plans with his or her signature(s). Utah engineer's stamp shall be required on all pages of the Subdivision Improvement Plans.
 - ☐ Scale shall be acceptable to the Town Engineer.
 - ☐ Plan views and profiles of the relationship of the street to curb and gutter is required for all public and private roads. Top-of-curb elevations with curve data must be shown for all curb returns.
 - ☐ Utility plans showing the size, type, and location of the following:
 - ☐ Culinary water laterals, mains, meters, valves, and fire hydrants.
 - ☐ Secondary and irrigation laterals, mains, meters, valves, etc.
 - ☐ Sanitary sewer, storm drains and subdrains and their manholes, inlet boxes, catch basins and clean outs.
 - ☐ Power, natural gas, and cable television.
 - ☐ Streetlights.
 - ☐ Any other utilities the Town may require.
 - ☐ All walls and fences to be constructed.
 - ☐ All easements and rights-of-way.

- ☐ Grading plan showing existing and proposed topography.
- ☐ **Separate Sheets with Details.** As needed, each set of plans shall be accompanied by a separate sheet of details for structures that are to be constructed. All structures shall be designed in accordance with minimum requirements established by Town Standards.

Site Specific Contents

The following documents shall accompany the Simple Subdivision application when deemed necessary by the Town (*Big Water Town Code § 14.22.060*):

- ☐ **Soils Report:** The applicant shall provide a detailed soils report addressing the following issues for the subdivision: hillside stabilization, road design, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a civil engineer licensed in the state of Utah.
- ☐ **Storm Water Plan:** The applicant shall provide a detailed storm water plan for the subdivision. This plan shall include all calculations showing that it meets all applicable codes and standards and specifications. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.
- ☐ **Other Hazard Information:** This may include FEMA floodplain information or other information to mitigate natural hazards.

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Date Received: _____ Date Paid: _____

Preliminary Review

The applicant shall submit the application and all required contents. The Town will check the application for completeness. If all materials have not been submitted, the application shall be returned to the applicant until all required contents are included (*Big Water Town Code § 14.22.070(2)*).

Date of Completion Determination: _____

Administrative Review

Once the application is deemed to be complete, the Town will review the application to ensure that all information has been included and that the application meets all

requirements. If all requirements are met, the project shall be forwarded to the Planning Commission for review (*Big Water Town Code § 14.22.070(3)*).

Date of Administrative Review Completion: _____

Administrative Recommendation to Planning Commission:

Planning Commission Review

The Planning Commission shall hold a public hearing on the application. If the Planning Commission determines that the application does not meet all requirements, an applicant may request that the motion be tabled until all requirements are met (*Big Water Town Code § 14.22.070(4)*).

Date of Public Hearing: _____

Date of Planning Commission Decision: _____

- ☐ Approved
- ☐ Denied

Filing Date of the Record of Survey: _____