

# BIG WATER PLANNING AND ZONING COMMISSION

Big Water Town Hall, 60 Aaron Burr, Big Water, Utah 84741

## AGENDA

6:00 PM WORK SESSION

7:00 PM MEETING

June 2, 2025

### 6:00 PM WORK SESSION

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

### 7:00 PM MEETING –

1. CALL TO ORDER –
2. ROLL CALL –
3. APPROVAL OR AMENDMENT OF AGENDA-
4. APPROVAL OF MAY 2025 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 (Big Water Trailhead Project) and Cross Section/Right of Way Road Planning –
9. NEW BUSINESS–
  - A) Discussion and Possible Action on AMENDING MUNICIPAL CODE 14.20.030 LOT LINE ADJUSTMENTS WITHIN A RECORDED PLAT AND 14.20.020 PARCEL JOINDER (LOT CONSOLIDATION)
  - B) Discussion and possible Action On AMENDING ZONING CODE 15.10.160 PROCEDURES FOR LOT LINE ADJUSTMENTS AND 15.10.150 STANDARDS AND REQUIREMENTS FOR PARCEL JOINDER (LOT CONSOLIDATION) –
  - C) Discussion and Possible Action on Approving Lot Line Adjustment Application–
10. FINAL CITIZEN COMMENTS-
11. FINAL COMMENTS –
12. ADJOURNMENT–

# BIG WATER PLANNING AND ZONING COMMISSION

Big Water Town Hall, 60 Aaron Burr, Big Water, Utah 84741

## AGENDA

6:00 PM WORK SESSION

7:00 PM PUBLIC HEARING

7:01 PM PUBLIC HEARING

7:02 PM MEETING

May 5, 2025

### 6:00 PM WORK SESSION

**1. Call to Order-** opens at 6:14PM Mark Burkett, Wryht Short and Nicole Wood; absent Robert Wilkes and James Loyd.

**2. Discuss Meeting Agenda Items-** Discussion on the renewal of STR's and the lot line adjustment amendments. Discussion on the commercial overlays for the new verbiage for the Commercial, Industrial and Mixed-use classifications in our zoning code. Discussion on c-1, c-2 or c-3 and the density of the zoning area. Discussion on the dark skies policies.

**3. Adjourn** – Closes at 6:41 PM

**7:00 PM PUBLIC HEARING- Amending the Municipal Code 4.04.040 Building Department Fee Schedule, 14.14.020 Building Permit Application, 14.20.030 Lot Line Adjustment Within a Recorded Plat-** opens at 7:00PM; No comments, closes at 7:02PM

**7:01 PM PUBLIC HEARING - Establish Demolition Standards Zoning Code Section 15.46-** opens at 7:02PM; No comments, closes at 7:02 PM

### 7:02 PM MEETING –

**1. CALL TO ORDER** – opens at 7:02PM

**2. ROLL CALL** – Mark Burkett, Wryht Short and Nicole Wood; absent Robert Wilkes and James Loyd.

**3. APPROVAL OR AMENDMENT OF AGENDA-** Motion to amend the agenda, item 4 needs to change to April minutes and eliminate item 1 off of the agenda, made by Wryht and seconded by Mark. All in favor.

**4. APPROVAL OF APRIL 2025 MINUTES-** Motion to approve the April 2025 minutes made by Mark and seconded by Wryht. All in favor.

**5. CONFLICT STATEMENT** – none

**6. ADMINISTRATOR COMMENTS** – We have two building permit applications that were approved. I still answer all those e-mails on permits and questions on zoning. And then sometimes we find some conflicts in the zoning from meeting code to zoning ordinances. So, as we catch them, we'll let you know so you guys can work on them. We're still monitoring the open building permits. We're working on the complaints and compliance issues still. It's going to be ongoing.

**7. CITIZEN COMMENTS** – No comments

### 8. OLD BUSINESS–

**A) Discussion and Possible Action on Special Events and Ordinance / Temporary Use Permits–** Tabled

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

**C) Discussion and Possible Action on Definitions –** Tabled

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

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

**F) Discussion and Possible Action on Land Use Ordinance–** Tabled

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

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**H) Discussion and Possible Action on Transportation Master Plan, Main Street Locations, Dedicated Trails (Big Water Trailhead Project) and Cross Section/Right of Way Road Planning – Tabled**

**J) Discussion and Possible Action on Adding Demolition Standards Requirement Section in Zoning Code 15.46 –** Motion to approve the adding a demolition standard to the zoning code made by Wryht and seconded by Mark. All in favor. (Amended verbiage of “requiring a building permit” added to section 15.46.020)

**K) Discussion and Possible Action on Amending Municipal Code 14.14.020, Building Permits For Verbiage Additions –** The changes made are the building permit renewal is \$100, is what will be on there for the renewal, because they only last, as we have put on here, there is a permit expiration and renewal. A building permit that shows no progress or, as I said, no inspection activity for a period of 180 consecutive days shall be considered expired. To continue construction, the applicant must pay the applicable renewal fees and obtain a renewed permit before resuming any work. Two (2), a building permit that is not completed within six years of the date of issuance shall be subject to an additional fee equal to 30 percent of the original permit cost. This surcharge must be paid before any further inspections or certificate of occupancy can be issued. Motion to approve made by Wryht and seconded by mark. All in favor.

**L) Discussion and Possible Action on Amending Municipal Code 14.20.030, Lot Line Adjustment and Application for Verbiage Changes–** The changes made were to a minimum of six paper copies that shall be presented to the town clerk instead of 12 because 12 was a little excessive. And then farther down on number four, we also added besides the zoning administrator, the town's engineer, the mayor and the planning commission chair and town attorney would also have signature blocks on there. Motion to approve the changes were made by mark and seconded by Wryht. All in favor

## 9. NEW BUSINESS–

**10. FINAL CITIZEN COMMENTS–** no comments

**11. FINAL COMMENTS –** Denise brought the new section in the newsletter to the attention of the planning and zoning commission. They want to start adding a little blurb to the newsletter every month from the planning and zoning. Nicole thanks everyone for coming.

**12. ADJOURNMENT–** Motion to adjourn the meeting at 7:11PM made by Wryht and seconded by Mark. All in favor.

**BIG WATER TOWN  
ORDINANCE 07-2025**

 **DRAFT**

**AN ORDINANCE AMENDING MUNICIPAL CODE 14.20.030 LOT LINE  
ADJUSTMENTS WITHIN A RECORDED PLAT AND 14.20.020 PARCEL  
JOINDER (LOT CONSOLIDATION) WITHIN THE TOWN OF BIG WATER,  
KANE COUNTY, UTAH**

**WHEREAS**, the Town of Big Water, finds it necessary to clarify and amend procedures and requirements related to lot line adjustments and parcel joinders to better serve property owners, ensure consistency with state law, and protect the orderly development of land within the municipality; and

**WHEREAS**, the proposed amendment is in the interest of the public health, safety, and welfare, and complies with the comprehensive land use plan of the Town of Big Water;

**WHEREAS**, Planning and Zoning held a public hearing on \_\_\_\_\_, and has duly considered such recommendations as was received;

**WHEREAS**, the Planning and Zoning Commission passed these updates  
\_\_\_\_\_;

**NOW THEREFORE**, be it ordained by the Council of the Big Water Town, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “14.20.030 Lot Line Adjustments Within An Recorded Plat” of the Big Water Municipal Code is hereby *amended* as follows:

**AMENDMENT**

**14.20.030 Lot Line Adjustments Within An Recorded Plat**

In accordance with Big Water Zoning Ordinance (2004-235, adopted, December 21, 2004, amended \_\_\_\_\_ 2009, *Chapter 15.10 Development Applications and Procedures, Section 15.10.160 Procedure for a Lot Line Adjustment*) and § 10-9a-103 (subsections 24, 44) and § 17-27a-103 (subsections 28, 48) Definitions, Utah Code (Amended 2008), petitions to adjust lot lines (mutual boundary) between adjoining properties may be executed upon the recordation of an appropriate deed with the consent of the owners' of record.

1. The applicants must complete and submit to the Zoning Administrator a Big Water Lot Line Adjustment Request form to include:
  - a. property owners' names;
  - b. date;

- c. owners' addresses, phone/cell/fax numbers, city, state, Zip code;
  - d. name, location (lot #s, block(s), section(s)) and legal descriptions);
  - e. reason for lot line adjustment request;
  - f. paid tax statement for the current year.
  - g. certification to conform to Big Water ordinances.
  - h. names and addresses of all property owners adjacent to the lots in question.
2. Applicants must prove that:
- a. no new dwelling lot or housing unit results from the lot line adjustment;
  - b. that all adjoining property owners consent to the lot line adjustment;
  - c. the lot line adjustment does not result in a remnant piece of land that did not exist previously; and
  - d. the lot line adjustment does not result in the violation of any applicable zoning district requirements.
3. Applicants must provide a title report, by a licensed Title Company, for the properties proposed for Lot Line Adjustment with the application.
4. Applicants must submit a revised (final) plat, prepared by a licensed land surveyor. The plat shall be prepared in pen and all sheets shall be numbered. The plat shall be drawn on reproducible Mylar. A minimum of ~~six (6)~~ **twelve (12)** paper (8 ½" x 11") copies shall be presented to the Town Clerk with the formal request form. The revised plat shall contain Signature blocks for the dated signature of the ~~Zoning Administrator, Surveyor, County Recorder, and Land Use Authority~~ **Mayor, Planning Commission Chair, and Town Attorney.**
5. Applicant must pay the applicable Lot Line Adjustment fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule.
6. The Zoning Administrator shall ensure that notice is given to all adjoining property owners, pursuant to local ordinance.
7. After the Lot Line Assessment request and plat are acknowledged, approved and certified by the Zoning Administrator, the owners shall, within one year, record the appropriate deed in the Kane County recorder's office.
8. The County Recorder shall ensure the requirements of this Section are met. The Kane County Recorder may request a review of the materials presented for a Lot Line Adjustment by the Zoning Administrator prior to recordation.
9. If any owner of an adjoining property notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline, the Zoning Administrator will set an agenda item for the next Planning and Zoning public meeting. The Applicants, or his/her/their authorized agent(s), must be present. If they are not present, the application will be tabled. (Please see Big Water Zoning Ordinance, Section 15.10.150(7-10), or Big Water Subdivision Ordinance, Section 14.20.020(7-10), for the required additional processes.)

**SECTION 2:            AMENDMENT** "14.20.020 Parcel Joinder (Lot Consolidation)" of the Big Water Municipal Code is hereby *amended* as follows:

## AMENDMENT

 **DRAFT**

### 14.20.020 Parcel Joinder (Lot Consolidation)

The Big Water Town Council may, upon recommendation by the Planning and Zoning Commission, consider the joining of two, or more, contiguous parcels (lots), following and complying with all the requirements for parcel joinder as identified in the Big Water Zoning Ordinance (2004-236, adopted 12-21-2004, *Chapter 15.10 Development Applications and Procedures, Section 15.10.150 Standards and Requirements for Parcel Joinder (Lot Consolidation)*, amended \_\_\_\_\_, 2009) and at § 10-9a-103, Utah Code Annotated, 1953, as amended (2008), § 10-9a-608 et seq., Utah Code (Amended 2006), and consistent with the requirements of § 10-9a-609, Utah Code (Amended 2007).

1. A parcel joinder (lot consolidation) means:
  - a. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
  - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use/subdivision ordinances.
2. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under Subsection (44) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance. (Utah Code § 10-9a-103 Definitions, Amended by Chapter 19, Chapter 112, Chapter 326 and Chapter 360, 2008)
3. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition Planning and Zoning to have the plat altered, or amended.
4. The following requirements must be met and accepted by the Zoning Administrator, prior to securing a Parcel Joinder meeting with and recommendation from Planning and Zoning to Town Council.
  - a. Applicant must be the title owner of said property or have written/certified power of attorney to act on behalf of the owner.
  - b. Applicant must submit a completed Big Water Parcel Joinder (Lot Consolidation) Request form to include:
    - i. property owner's name;
    - ii. date;
    - iii. address, phone, cell phone, fax, city, state, Zip code;
    - iv. name, location (lot#, block, section, subdivision platted name) and legal description of subdivision plat;
    - v. reason for parcel joinder request;
    - vi. certification to conform to Big Water ordinances.
  - c. Applicant must submit a revised (final) plat, prepared by a licensed land surveyor. The plat shall be prepared in pen and all sheets shall be numbered. The plat shall be drawn on reproducible Mylar. A minimum of ~~six~~twelve (6+2)



- paper (8 ½" x 11") copies shall be presented to the Town Clerk with the formal request form. The revised plat shall contain Signature blocks for the dated signatures of the ~~Mayer, Planning Commission Chair, Town Engineer, Surveyor, County Recorder, and Land Use Authority~~ and ~~Town Attorney~~. (See Section 14.08.020 of the Big Water Subdivision Ordinance)
- d. Applicant must provide the names and addresses of all property owners in said plat/subdivision within 500 feet of joinder properties.
  - e. Applicant must provide paid tax statement for the current year.
  - f. Applicant must pay the applicable parcel joinder fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule. Applicant also is responsible for any other applicable fees, e.g., engineering review, title search, recording fee.
  - g. Applicant must provide a title report, by a licensed Title Company, for the properties proposed for parcel joinder with the application .
  - h. Applicant or authorized agent must be present for public meeting at which parcel joinder is an agenda item, or the application will be tabled.
5. An incomplete application will not be scheduled for a Planning & Zoning Commission public meeting agenda.
  6. The Zoning Administrator shall ensure that notice is given to all affected property owners within 500 feet of joinder properties, pursuant to local ordinance.
  7. The Planning and Zoning Commission shall give its recommendation within 30 days after the proposed parcel joinder request is referred, or as that time period is extended by agreement with the applicant. (Utah Code § 10-9a-608 et seq., (2)(a)(ii), Amended 2006)
  8. Town Council will make its decision within 45 days after the petition is filed or, if applicable, within 45 days after receipt of the planning commission's recommendation.
  9. Town Council shall hold a public hearing (§ 10-9a-207, et seq., Utah Code Amended 2006, 10-9a-509, et seq., Utah Code Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006) if
    - a. any owner within the plat notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline; or
    - b. if required, all owners in the subdivision have not signed the revised plat; or
    - c. the parcel joinder amends a public street, alley or right-of-way (§ 10-9a-208, Utah Code Amended 2006, and § 10-9a-609.5 et seq., Utah Code Amended 2007); or
    - d. Council finds that a compelling, countervailing public interest would be jeopardized by approving the application (§ 10-9a-509, et seq., Utah Code Amended 2008).
  10. The public hearing requirement (§ 10-9a-207, et seq., Utah Code Amended 2006, § 10-9a-509, et seq., Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006), does not apply and Town Council may consider at a public meeting an owner's petition to alter or amend a subdivision plat if:
    - a. the petition seeks to join two or more of an owner's contiguous, residential lots;

 **DRAFT**

- b. notice has been given pursuant to local ordinance;
  - c. the parcel joinder does not amend a public street or right-of-way (§ 10-9a-208, Utah Code Amended 2006); and
  - d. Council is satisfied that neither the public interest nor any person will be materially injured by the proposed alteration or amendment, and that there is good cause for the alteration or amendment.
11. Town Council may approve the vacation, alteration, or amendment by signing an amended final plat showing the vacation, alteration, or amendment.
12.     a. After the plat has been acknowledged, approved and certified, the owner of the land shall, within the time period designated by ordinance, record the plat in the Kane County recorder's office.
- b. An owner's failure to record a plat within the time period designated by ordinance renders the plat void. (§ 10-9a-603, (5) (a)(b), Utah Code Amended 2008)
13. The Town Council shall ensure that the amended plat showing the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located (§ 10-9a-609, et seq., Utah Code Amended 2007) within one year of the certified date of the plat.

**SECTION 3:         REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, will be changed to match this ordinance.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor David Schmuker	_____	_____	_____	_____
Council member Jim Lybarger	_____	_____	_____	_____
Council member Luke McConville	_____	_____	_____	_____
Council member Jennie Lassen	_____	_____	_____	_____
Council member James Loyd	_____	_____	_____	_____
 Presiding Officer		 Attest		

\_\_\_\_\_  
David W. Schmuker, Mayor, Big Water Town

\_\_\_\_\_  
Katie Joseph, Clerk, Big Water Town



**BIG WATER TOWN  
ORDINANCE 13-2025 LOT LINE ADJUSTMENT AMENDMENTS AND PARCEL  
JOINDERS**

**AN ORDINANCE AMENDING ZONING CODE 15.10.160 PROCEDURES FOR  
LOT LINE ADJUSTMENTS AND 15.10.150 STANDARDS AND REQUIREMENTS  
FOR PARCEL JOINDER (LOT CONSOLIDATION) WITHIN THE TOWN OF BIG  
WATER, KANE COUNTY, UTAH**

**WHEREAS**, the Town of Big Water, finds it necessary to clarify and amend procedures and requirements related to lot line adjustments and parcel joinders to better serve property owners, ensure consistency with state law, and protect the orderly development of land within the municipality; and

**WHEREAS**, the proposed amendment is in the interest of the public health, safety, and welfare, and complies with the comprehensive land use plan of the Town of Big Water;

**WHEREAS**, Planning and Zoning held a public hearing on \_\_\_\_\_, and has duly considered such recommendations as was received;

**WHEREAS**, the Planning and Zoning Commission passed these updates  
\_\_\_\_\_;

**NOW THEREFORE**, be it ordained by the Council of the Big Water Town, in the State of Utah, as follows:

**SECTION 1:        AMENDMENT** “15.10.160 Procedures For Lot Line Adjustment” of the Big Water Zoning Code is hereby *amended* as follows:

**A M E N D M E N T**

**15.10.160 Procedures For Lot Line Adjustment**

In accordance with the Town of Big Water, Utah, Subdivision Ordinance (2004-236, adopted 12-21-2004, Vacating or Changing a Subdivision Plat, amended by Municipal Ordinance 2009-258, April 20, 2009) and § 10-9a-103 (subsections 24, 44) and § 17-27a-103 (subsections 28, 48) Definitions Utah Code (Amended 2008), petitions to adjust lot lines (mutual boundary) between adjoining properties may be executed upon the recordation of an appropriate deed with the consent of the owners' of record.

1. The applicants must complete and submit to the Zoning Administrator a Big Water Lot Line Adjustment Request form to include:
  - a. property owners' names;
  - b. date;

- c. owners' addresses, phone/cell/fax numbers, city, state, Zip code;
  - d. name, location (lot #s, block(s), section(s)) and legal descriptions);
  - e. reason for lot line adjustment request;
  - f. paid tax statement for the current year;
  - g. certification to conform to Big Water ordinances;
  - h. names and addresses of all property owners adjacent to the lots in question.
2. Applicants must prove that:
- a. no new dwelling lot or housing unit results from the lot line adjustment;
  - b. that all adjoining property owners consent to the lot line adjustment;
  - c. the lot line adjustment does not result in a remnant piece of land that did not exist previously; and
  - d. the lot line adjustment does not result in the violation of any applicable zoning district requirements.
3. Applicants must provide a title report, by a licensed Title Company, for the properties proposed for Lot Line Adjustment with the application.
4. Applicants must submit a revised (final) plat, prepared by a licensed land surveyor. The plat shall be prepared in pen and all sheets shall be numbered. The plat shall be drawn on reproducible Mylar. A minimum of ~~six~~**twelve (12)** paper (8 1/2" x 11") copies shall be presented to the Town Clerk with the formal request form. The revised plat shall contain Signature blocks for the dated signature of the ~~Zoning Administrator, Mayor, Surveyor, County Recorder, and Land Use Authority~~**Planning Commission Chair, and Town Attorney.**
5. Applicant must pay the applicable Lot Line Adjustment fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule.
6. The Zoning Administrator shall ensure that notice is given to all adjoining property owners, pursuant to local ordinance.
7. After the Lot Line Assessment request and plat are acknowledged, approved and certified by the Zoning Administrator, the owners shall, within one year, record the appropriate deed in the Kane County recorder's office.
8. The County Recorder shall ensure the requirements of this Section are met. The Kane County Recorder may request a review of the materials presented for a Lot Line Adjustment by the Zoning Administrator prior to recordation.
9. If any owner of an adjoining property notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline, the Zoning Administrator will set an agenda item for the next Planning and Zoning public meeting. The Applicants, or his/her/their authorized agent(s), must be present. If they are not present, the application will be tabled. (Please see Section 15.10.150(7-10), for the required additional processes.)

**SECTION 2: AMENDMENT "15.10.150 Standards And Requirements For Parcel Joinder (Lot Consolidation)" of the Big Water Zoning Code is hereby *amended* as follows:**

## 15.10.150 Standards And Requirements For Parcel Joinder (Lot Consolidation)

The Big Water Town Council may, upon recommendation by the Planning and Zoning Commission, consider the joining of two, or more, contiguous parcels (lots), following and complying with all the requirements for vacating or changing a subdivision plat, as identified in the Town of Big Water, Utah, Subdivision Ordinance (2004-236, adopted 12-21-2004, Section 800, amended by Municipal Ordinance 2009-259, April 20, 2009) and at § 10-9a-103, Utah Code Annotated, 1953, as amended (2008), § 10-9a-608 et seq., Utah Code (Amended 2006), and consistent with the requirements of § 10-9a-609 Utah Code (Amended 2007).

1. A parcel joinder (lot consolidation) means:
  - a. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
  - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use/subdivision ordinances.
2. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under Subsection (44) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance. (Utah Code § 10-9a-103 Definitions, Amended by Chapter 19, Chapter 112, Chapter 326 and Chapter 360, 2008)
3. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition Planning and Zoning to have the plat altered, or amended.
4. The following requirements must be met and accepted by the Zoning Administrator, prior to securing a Parcel Joinder meeting with and recommendation from Planning and Zoning to Town Council.
  - a. Applicant must be the title owner of said property or have written/certified power of attorney to act on behalf of the owner.
  - b. Applicant must submit a completed Big Water Parcel Joinder (Lot Consolidation) Request form to include:
    - i. property owner's name;
    - ii. date;
    - iii. address, phone, cell phone, fax, city, state, Zip code;
    - iv. name, location (lot #, block, section, subdivision platted name) and legal description of subdivision plat;
    - v. reason for parcel joinder request;
    - vi. certification to conform to Big Water ordinances.
  - c. Applicant must submit a revised (final) plat, by a licensed land surveyor. The plat shall be prepared in pen and all sheets shall be numbered. The plat shall be drawn on reproducible Mylar. A minimum of ~~six~~ **twelve** (6+2) paper (8 1/2" x 11") copies shall be presented to the Town Clerk with the formal request

- form. The revised plat shall contain Signature blocks for the dated signatures of the ~~Mayor, Planning Commission Chair, Town Engineer, Surveyor, County Recorder, and Land Use Authority~~ and Town Attorney. (See Section 14.08.020 of the Big Water Subdivision Ordinance)
- d. Applicant must provide the names and addresses of all property owners in said plat/subdivision within 500 feet of joinder properties.
  - e. Applicant must provide paid tax statement for the current year.
  - f. Applicant must pay the applicable parcel joinder fees to the Town Clerk in accordance with the current Big Water Rates and Fees for Municipal Services schedule. Applicant also is responsible for any other applicable fees, e.g., engineering review, title search, recording fee.
  - g. Applicant must provide a title report, by a licensed Title Company, for the properties proposed for parcel joinder with the application.
  - h. Applicant or authorized agent must be present for public meeting at which parcel joinder is an agenda item, or the application will be tabled.
5. An incomplete application will not be scheduled for a Planning & Zoning Commission public meeting agenda.
  6. The Zoning Administrator shall ensure that notice is given to all affected property owners within 500 feet of joinder properties, pursuant to local ordinance.
  7. The Planning and Zoning Commission shall give its recommendation within 30 days after the proposed parcel joinder request is referred, or as that time period is extended by agreement with the applicant. (Utah Code § 10-9a-608 et seq., (2)(a)(ii), Amended 2006)
  8. Town Council will make its decision within 45 days after the petition is filed or, if applicable, within 45 days after receipt of the planning commission's recommendation.
  9. Town Council shall hold a public hearing (§ 10-9a-207, et seq., Utah Code Amended 2006, 10-9a-509, et seq., Utah Code Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006) if:
    - a. any owner within the plat notifies the municipality of his/her objection in writing within ten (10) days of mailed notification or by published notification deadline; or
    - b. if required, all owners in the subdivision have not signed the revised plat; or
    - c. the parcel joinder amends a public street, alley or right-of-way (§ 10-9a-208, Utah Code Amended 2006, and § 10-9a-609.5 et seq., Utah Code Amended 2007); or
    - d. Council finds that a compelling, countervailing public interest would be jeopardized by approving the application (§ 10-9a-509, et seq., Utah Code Amended 2008).
  10. The public hearing requirement (§ 10-9a-207, et seq., Utah Code Amended 2006, § 10-9a-509, et seq., Amended 2008, and § 10-9a-608, et seq., Utah Code Amended 2006), does not apply and Town Council may consider at a public meeting an owner's petition to alter or amend a subdivision plat if:
    - a. the petition seeks to join two or more of an owner's contiguous, residential lots;
    - b. notice has been given pursuant to local ordinance;

- c. the parcel joinder does not amend a public street or right-of-way (§ 10-9a-208, Utah Code Amended 2006); and
  - d. Council is satisfied that neither the public interest nor any person will be materially injured by the proposed alteration or amendment, and that there is good cause for the alteration or amendment.
11. Town Council may approve the vacation, alteration, or amendment by signing an amended final plat showing the vacation, alteration, or amendment.
12.     a. After the plat has been acknowledged, approved and certified, the owner of the of land shall, within the time period designated by ordinance, record the plat in the Kane County recorder's office.
- b. An owner's failure to record a plat within the time period designated by ordinance renders the plat void. (§ 10-9a-603, (5)(a)(b), Utah Code Amended 2008)
13. The Town Council shall ensure that the amended plat showing the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located (§ 10-9a-609, et seq., Utah Code Amended 2007) within one year of the certified date of the plat.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

\_\_\_\_\_  
Mayor David Schmuker

\_\_\_\_\_  
Council member Jim Lybarger

\_\_\_\_\_  
Council member Luke McConville

\_\_\_\_\_  
Council member Jennie Lassen

\_\_\_\_\_  
Council member James Loyd

AYE	NAY	ABSENT	ABSTAIN
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
David W. Schmuker, Mayor, Big  
Water Town

\_\_\_\_\_  
Katie Joseph, Clerk, Big Water Town