

**BIG WATER TOWN
ORDINANCE 04-2025**

**AN ORDINANCE AMENDING MUNICIPAL CODE 14.20.030 LOT LINE
ADJUSTMENTS WITHIN A RECORDED PLAT AND 14.20.020 PARCEL
JOINER (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 March 2, 2026, 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 April 20, _____ 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 ~~twelve (12)~~ six (6) 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.~~ Zoning Administrator, Surveyor, County Recorder, and Land Use Authority.
 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

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 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, 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~~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 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 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: AMENDMENT “14.06.020 Preliminary Plat Approval Process” of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

14.06.020 Preliminary Plat Approval Process

After review, the application shall be submitted to the Administrative Land Use Authority for approval.

1. For the Preliminary Plat and Subdivision Improvement Plans, the Administrative Land Use Authority shall be the Planning Commission.
 - a. Legislative approvals, such as zone changes, overlay zones, general plan amendments, annexations, right-of-way vacations, etc., must be approved by the Town Council prior to the submission of a Preliminary Plat application.
2. The Administrative Land Use Authority shall hold a public hearing and send a public notice to all owners of property within three hundred feet (300’) of the subdivision.
3. If the Administrative Land Use Authority finds that the application complies with the applicable municipal ordinances and the requirements of Utah State Code, it shall approve the

Preliminary Plat application.

a. The Administrative Land Use Authority shall remand the application back to the applicant for corrections if it finds:

i. The applicant has not completed all requirements as outlined in the review index or ii. The application does not address all requirements as outlined in state code, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.

b. The Administrative Land Use Authority shall deny the application if the applicant is unwilling to make the required corrections or provide the required information.

4. The application approval shall lapse in instances where a developer abandons or otherwise fails to take timely action to address corrections or complete a project.

a. A Preliminary Plat application expires if it is not approved by the Town within one (1) year from the time the application is submitted and accepted. b. Approval of the Preliminary Plat by the Town shall be valid for a period of one (1) year after approval.

SECTION 4: AMENDMENT “14.22.070 Review And Approval Process”
of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

14.22.070 Review And Approval Process

The intent is to provide timely review and approval of all complete applications, as follows:

1. Optional Pre-Application Meeting: An applicant may request to meet with Town staff and/or representatives prior to submittal to review the application and requirements. 2. 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. 3. 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 the requirements are met, the project shall be forwarded to the Planning Commission for review. 4. 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.

- a. Public notice shall be sent to all properties within one hundred feet (100') of the property, notifying property owners of the time and place of the public hearing and the nature of the request.
- b. If the applicant meets all applicable requirements, the Zoning Administrator~~Planning Commission~~ shall approve the simple subdivision application. If the applicant is unable or unwilling to meet all applicable requirements, the Zoning Administrator~~Planning Commission~~ shall deny the simple subdivision application.

SECTION 5: Any references to the provisions amended by this ordinance, as they existed prior to this amendment, appearing elsewhere in the Town Code, adopted policies, administrative procedures, employee handbooks, or other official manuals shall be deemed to refer to the provisions as amended herein. The Town Clerk or authorized codifier is directed to revise any such references throughout the Code, policies, and manuals for consistency and clarity, and to take necessary administrative actions to ensure alignment with this ordinance.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor David Schmuker	_____	_____	_____	_____
Council member Jim Lybarger	_____	_____	_____	_____
Council member Luke McConville	_____	_____	_____	_____
Council member Jennie Lassen	_____	_____	_____	_____
Council member Tara Chiasson	_____	_____	_____	_____

Presiding Officer

Attest

David W. Schmuker, Mayor, Big Water Town

Abigail Palsgrove, Clerk, Big Water Town