

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

AGENDA

SEPTEMBER MEETING

6:00 PM WORK SESSION

7:00 MEETING

August 31, 2026

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 –**
- 2-3 4. APPROVAL OF AUGUST 2026 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 Amending Table of Uses –**
 - E) Discussion and Possible Action on Land Use Ordinance –**
 - F) Discussion and Possible Action on Timeshare and Camp Resort Act –**
 - G) Discussion on Residential Setback Requirements-**
 - 4-6 H) Discussion and Possible Action on Amending the Verbiage in Municipal and Zoning Code for excessive noise and possible quiet time hours –**
 - I) Discussion of Citizen Concerns Regarding Business Compliance –**
- 10. NEW BUSINESS–**
 - 7-8 A) Discussion and Action on Draft Language for Assigning Official Street Names to Certain Unnamed Public Roadways Within the Town of Big Water –**
 - 9-12 B) Discussion and Action on Drafting Language for Vendor Use Permits -**
- 11. FINAL CITIZEN COMMENTS-**
- 12. FINAL COMMENTS –**
- 13. ADJOURNMENT–**

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

DRAFT MINUTES

6:00 PM WORK SESSION

7:00 MEETING

August 3, 2026

6:00 PM WORK SESSION

1. Call to Order: at 6:13 PM

2. Discuss Meeting Agenda Items – Discussion on citizens concern if the Pro Waste building was out of compliance or not with state code. It was discussed that the property was not being used as a transfer station or garbage collection. There is nothing that is out of compliance. They have to break a code or ordinance in order to be shut down, which they have not. Discussed wanting further research on what the code actually says. They want to check other class 4 or 5 towns in Utah that regulates trash regulations. Discussion on the noise ordinance requirements. Discussion on wanting to add decibels language to the ordinance and removing wording like “excessive” as that is ambiguous language and subject to interpretation. They want to see what other towns have in their ordinances for what is a proper decibel of allowed noise.

3. Adjourn – at 7:02 PM

7:00 PM MEETING

1. CALL TO ORDER – at 7:08 PM

2. ROLL CALL – Jack Brisbin, Wryht Short (via phone), Mark Burkett, Robert Wilkes and Nicole Wood

3. APPROVAL OR AMENDMENT OF AGENDA – Motion to approve the agenda made by Wryht Short and seconded by Jack Brisbin. All in favor

4. APPROVAL OF JULY 2026 MINUTES – Motion to approve the July 2026 minutes made by Nicole Wood and seconded by Jack Brisbin. All in favor.

5. CONFLICT STATEMENT - none

6. ADMINISTRATOR COMMENTS – We had one building permit application ready to be approved and one we are working on that is coming up. Continuing to go over some existing ordinances to bring them up to new Utah Code. Working on building permit and land compliance procedures and ordinances. Answering numerous emails, calls and inquiries pertaining to zoning, commercial and permits. Monitoring open building permits. Working on compliance letters and parking issues.

7. CITIZEN COMMENTS – Clarence Blair- expressed strong opposition to the proposed use of the property as a maintenance and staging yard for a waste collection company. He stated that current residential garbage collection has minimal impact because trucks collect waste once a week and leave, whereas establishing a permanent facility would introduce ongoing activity into the neighborhood. Potential leakage of liquids from garbage trucks, citing a recent observation of water dripping from a truck traveling through town. Noticed this on July 3.

The possibility of unsanitary conditions and associated health concerns.

Increased noise from garbage trucks and waste containers, particularly during early morning operations. The proximity of the facility to nearby homes, including children, elderly residents, and individuals with disabilities.

The visual impact of storing garbage trucks and waste containers in a residential area.

The belief that this type of operation is incompatible with the surrounding neighborhood and should instead be located in a more isolated commercial or industrial area away from residences.

Adam Wagner- Expressed concern about reports and personal observations of garbage trucks leaking liquid onto public roads. He stated that, if occurring, such leaks could create unpleasant odors, negatively affect the community's appearance, and impact tourism. He referenced Utah Code Section 72-7-409, stating their understanding that allowing waste fluids to leak onto roadways is prohibited. Rather than pursuing enforcement action. He suggested the Town contact the waste collection company to remind them of the applicable legal requirements and encourage corrective measures. He also acknowledged that occasional missed trash collections can happen and expressed appreciation that the company had addressed past service issues when notified. He indicated he were seeking improved compliance with operational standards rather than punitive action.

8. OLD BUSINESS –

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

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

C) Discussion and Possible Action on Definitions – Continued

D) Discussion and Possible Action on Amending Table of Uses – Continued

E) Discussion and Possible Action on Land Use Ordinance – Continued

F) Discussion and Possible Action on Timeshare and Camp Resort Act – Continued

G) Discussion on Residential Setback Requirements- Continued

H) Discussion and Possible Action on Amending the Verbiage in Municipal and Zoning Code for excessive noise and possible quiet time hours – Continued

10. NEW BUSINESS–

A) Discussion of Citizen Concerns Regarding Business Compliance – Continued until we get some more information from state and county ordinances.

B) Discussion and Action on Choosing a Different Date for the September Meeting – Motion to move the September meeting to August 31, 2026 made by Nicole Wood and seconded by Jack Brisbin. All in favor.

11. FINAL CITIZEN COMMENTS- Clarence Blair – stated he very grateful that the gravel pit is not making any more noise. Sleeps very well.

12. FINAL COMMENTS – none

13. ADJOURNMENT– Motion to adjourn made by Mark Burkett and seconded by Nicole Wood. All in favor at 7:20pm

**BIG WATER TOWN
ORDINANCE 10-2026 QUIET HOURS**

**AN ORDINANCE AMENDING SECTION 8.08.030 OF THE BIG WATER
MUNICIPAL CODE REGARDING QUIET HOURS AND EXCESSIVE NOISE**

WHEREAS, the Town Council of Big Water Municipal Corporation finds that excessive nighttime noise may disturb the peace, comfort, and quiet enjoyment of neighboring properties; and

WHEREAS, the Town Council finds it necessary to establish reasonable quiet hours to protect the public health, safety, and welfare of Town residents;

WHEREAS, after duly noticed public hearing, held on _____ the Town Council has determined that adopting these standards promotes the public welfare and is in the best interest of the Town of Big Water;

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

SECTION 1: **AMENDMENT** “8.08.030 Property Maintenance” of the Big Water Municipal Code is hereby *amended* as follows:

AMENDMENT

8.08.030 Property Maintenance

1. **NUISANCES DEFINED.** The following list of conditions and any other conditions which threaten the health, safety, or well-being of Town residents or adversely affect surrounding property values are declared nuisances and are prohibited:
- a. Noxious weeds at any state of maturity
 - b. Abandoned, partially destroyed, improperly maintained, and partially-constructed buildings or structures.
 - c. Dead, decayed, or diseased vegetation.
 - d. Abandoned, inoperative, dilapidated, and unsightly motor vehicles, trailers, campers, boats, RVs, or other mobile equipment stored so as to be visible from public streets or stored upon public streets.
 - e. Attractive nuisances to children.
 - f. Discarded or stored furniture, cartons, and other unsightly items visible from public streets or stored upon public streets.
 - g. Premises in a condition detrimental to public health, safety, general welfare, or surrounding property values.
2. Any excessive noise that annoys, disturbs, or endangers the comfort, repose, or welfare of any persons or that precludes their enjoyment of their property. Quiet hours

are hereby established between the hours of 11:00 p.m. and 7:00 a.m. During quiet hours, no person shall make, continue, or cause any loud, unreasonable, excessive, or plainly audible noise that unreasonably disturbs the peace or quiet enjoyment of neighboring properties. This provision shall not apply to emergency vehicles, emergency repairs, lawful public works activities, agricultural operations, or Town-approved events.

a. Industrial and commercial operations that require night time work due to weather conditions, material performance requirements, emergency circumstances, or contractual obligations for public infrastructure projects may operate during quiet hours, provided reasonable measures are taken to minimize noise impacts on neighboring properties. Such operations shall comply with any conditions imposed through zoning approvals, conditional use permits, or other Town authorizations.

3. **NUISANCE — BLOWING SAND AND DIRT.** No person, firm or corporation who owns or is in possession or control of land the soil of which is sandy loam or which, by virtue of its character and the presence in the area of strong prevailing winds, seasonal or otherwise, is likely, if the surface thereof is disturbed, to be eroded by wind and blown in substantial quantity onto a public road or roads or other public or private property in the vicinity of said land, shall substantially disturb the surface of said sand by excavating, leveling, cultivating, plowing, removing natural or planted vegetation or root crops, or by depositing or spreading a substantial quantity of similar soil on the land, or by any other act likely to cause or contribute to wind erosion of the land, or to aggravate an existing wind erosion condition thereon, without providing sufficient protection at or prior to the time of so disturbing the surface of the land or without thereafter continuously maintaining the same or equivalent protection, so far as to prevent the soil on the land from being eroded by wind and blown onto a public road or roads or other public or private property. Such protection shall be provided by means of windbreaks, walls, fences, planting and maintaining vegetation, covering the land, applying water or other material, or other effective method or combination of methods of holding the soil in place. Any act or omission complained of as a violation of the above necessarily incidental to and consistent with conduct of agricultural operation in a manner usual and customary for such agricultural operations shall not be included in the above.
4. **AUTHORS OF NUISANCE DEFINED.** Where a nuisance exists, the property's owner, landlord, occupant, any persons having control over property, and/or their agents are deemed its author and responsible therefor.
5. **ENFORCEMENT.** The Zoning Administrator or other Council designee shall be responsible for identifying nuisances within the Town. He shall notify the author thereof in writing of the nuisance determination and set a deadline for abating the nuisance.

If the author fails to meet the deadline, the Town through its Zoning Administrator shall affect the abatement. An itemized statement of the charges incurred to effect abatement, including a service charge of \$100.00, shall be sent, via registered mail, to

the author, and payment of said charges must be paid by author within 30 days. If such payment is not made, the charges shall become a lien against the property hosting the nuisance.

PASSED AND ADOPTED BY THE BIG WATER TOWN COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Mayor David Schmuker	_____	_____	_____	_____
Council member Jim Lybarger	_____	_____	_____	_____
Council member Jennie Lassen	_____	_____	_____	_____
Council member Mark Gangola	_____	_____	_____	_____
Council member Jim Loyd	_____	_____	_____	_____

Presiding Officer

Attest

David W. Schmuker, Mayor, Big Water Town

Abigail Palsgrove, Clerk, Big Water Town

A RESOLUTION OF THE TOWN COUNCIL OF BIG WATER MUNICIPAL CORPORATION, KANE COUNTY, UTAH, ASSIGNING OFFICIAL STREET NAMES TO CERTAIN UNNAMED PUBLIC ROADWAYS WITHIN THE TOWN OF BIG WATER

WHEREAS, Certain public roadways within the Town of Big Water are presently unnamed; and

WHEREAS, The assignment of official street names is necessary to promote public safety, facilitate emergency response, improve navigation, assist with addressing and mapping, and support the orderly administration of municipal records; and

WHEREAS, The Town Council has reviewed the proposed street names and finds that assigning official names to these public roadways is in the best interest of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Big Water Municipal Corporation as follows:

Section 1. Assignment of Official Street Names

The public roadways identified on **Exhibit A**, which are presently unnamed, are hereby assigned the following official street names for all municipal and addressing purposes:

- John Adams Street
- N Benjamin Franklin Street
- N George Washington Street
- N Independence Street
- N Revolution Way (the break happens at the intersection of S Revolution and Jacob Tank Road)

Section 2. Official Records

The Town Clerk is directed to update the Town's official records, maps, and address information to reflect the official street names adopted by this Resolution.

Section 3. Notification

The Town Clerk is further directed to provide notice of the adopted street names to the appropriate agencies and entities, including Kane County, Kane County GIS and Addressing, emergency services, the United States Postal Service, utility providers, and any other affected organizations, as appropriate.

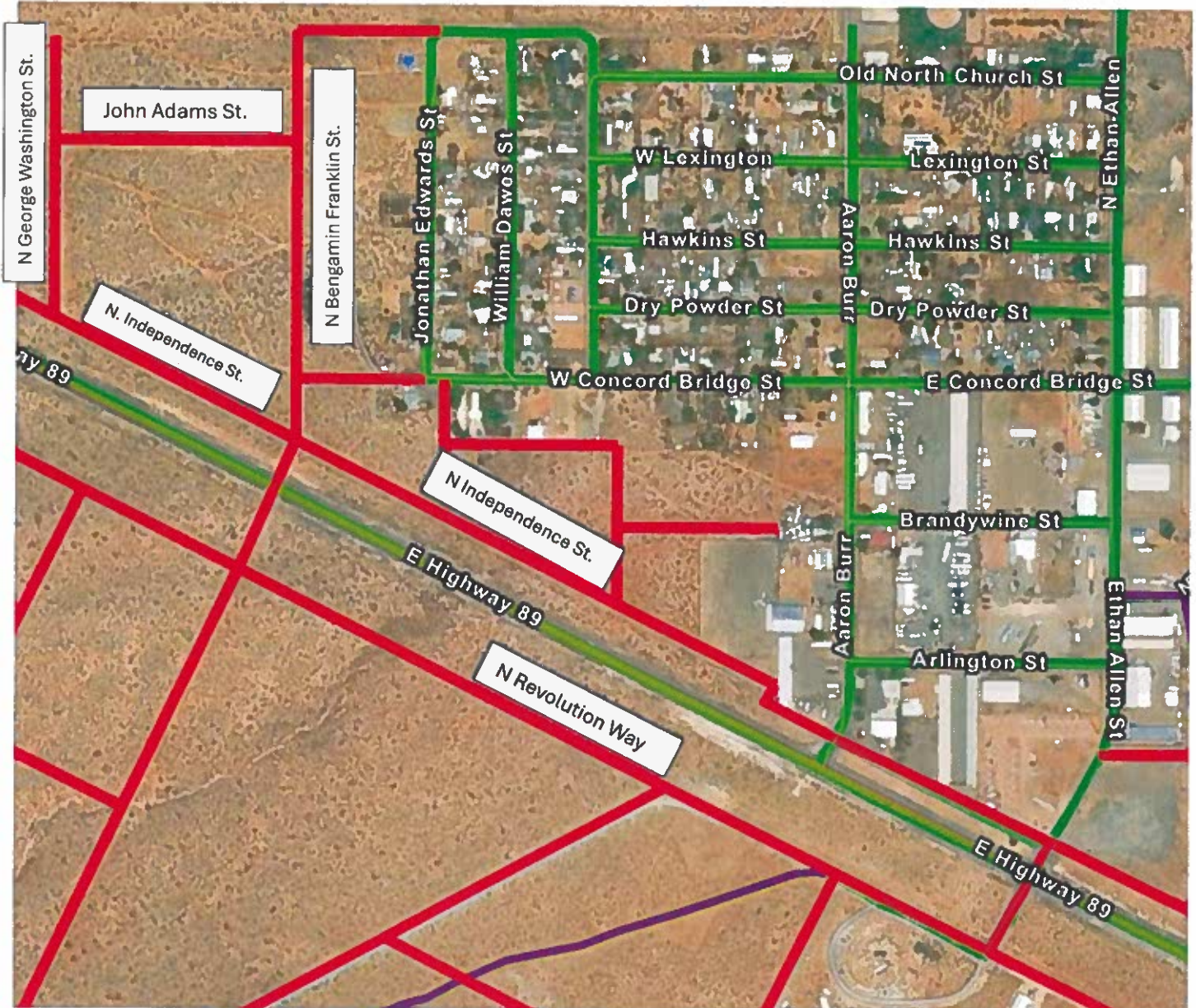
Section 4. Effective Date - This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2026.

Town of Big Water

	AYE	NAY	ABSENT	ABSTAIN	
Mayor David Schmuker	_____	_____	_____	_____	By: _____
Council Member Jim Lybarger	_____	_____	_____	_____	David W. Schmuker, Mayor
Council Member Jim Loyd	_____	_____	_____	_____	
Council Member Jennie Lassen	_____	_____	_____	_____	Attest: _____
Council Member Mark Gangola	_____	_____	_____	_____	Abigail Palsgrove, Municipal Clerk

EXHIBIT A
Official Street Naming Map
Adopted by Resolution No. 2026-20
Big Water Municipal Corporation



BIG WATER MUNICIPAL CORPORATION

GENERAL VENDOR PERMIT

Permit No.: _____ Approved Date: _____

Authorizes the vendor identified below to operate a temporary booth within the Town of Big Water.

VENDOR INFORMATION

Vendor / Business Name: _____

Contact Person: _____

Mailing Address: _____

City, State, ZIP: _____

Phone: _____ Email: _____

PERMIT INFORMATION

Date of Operation: _____

Booth / Event Location: _____

Goods or Services Offered: _____

Event Name: _____

PERMIT CONDITIONS

- Vendor shall operate only within the approved booth or designated vendor area.
- Vendor shall comply with all applicable Town, county, state, and federal requirements and obtain any additional licenses or approvals required.
- The booth and surrounding area shall be kept clean, safe, and orderly, and all trash and debris shall be properly disposed of.
- Booths, displays, signs, equipment, cords, and merchandise shall not obstruct streets, sidewalks, fire lanes, emergency access, or designated access areas.
- This permit does not authorize any activity or sale prohibited by law.
- This permit is nontransferable, applies only to the vendor identified above, and must be available for inspection while operating.
- Failure to comply with applicable laws or permit conditions may result in revocation of this permit.

TOWN APPROVAL

Permit Fee: \$ _____ (if applicable) Paid: ☐ Yes ☐ No

Approved By: _____ Title: _____

Signature: _____ Date: _____

PERMIT EXPIRATION

THIS PERMIT EXPIRES AT 11:59 P.M. ON THE APPROVED DATE OF OPERATION LISTED ABOVE.

A separate permit is required for any additional date of operation.

Big Water Municipal Corporation • 60 N Aaron Burr • Big Water, Utah 84741

GENERAL VENDOR PERMITS

1. Purpose

The purpose of this Chapter is to provide for the orderly regulation of temporary vendors operating within the Town of Big Water; to protect public health, safety, access, and welfare; and to establish a uniform process for the issuance of General Vendor Permits.

2. Definitions

For purposes of this Chapter, the following terms shall have the meanings set forth below:

GENERAL VENDOR PERMIT: A temporary permit issued by the Town authorizing a vendor to operate at an approved location on a specified date.

TEMPORARY VENDOR: Any person, business, organization, or other entity temporarily offering, displaying, selling, or providing goods or services from a booth, stand, table, tent, vehicle, trailer, display, or similar temporary location within the Town.

VENDOR AREA: The specific booth, space, property, event area, or other location approved by the Town for vendor operations.

EVENT: A temporary gathering, celebration, market, festival, community activity, or similar organized activity at which one or more vendors may operate.

3. General Vendor Permit Required

Except as otherwise exempt under this Chapter or applicable state or federal law, no temporary vendor shall operate within the Town of Big Water without first obtaining a General Vendor Permit from the Town.

A General Vendor Permit authorizes only the vendor, location, goods or services, activity, and date identified on the permit. The permit does not constitute a general business license and does not authorize any activity otherwise prohibited by law.

4. Application

An applicant for a General Vendor Permit shall submit an application on a form approved by the Town containing, at a minimum:

- A. The vendor or business name;
- B. The name and contact information of the person responsible for the vendor operation;
- C. The proposed date of operation;
- D. The proposed booth, event, or vendor location;
- E. A description of the goods or services to be offered;
- F. The name of the event, if applicable; and

G. Any additional information reasonably necessary for the Town to determine compliance with this Chapter or other applicable laws.

The Town may require evidence of any additional license, permit, certification, or approval required by county, state, or federal law when applicable to the proposed activity.

5. Approval and Issuance

The Town Clerk/Recorder, or the Clerk/Recorder's designee, may administratively approve and issue a General Vendor Permit upon determining that the application complies with this Chapter and other applicable Town requirements.

Issuance of a General Vendor Permit does not relieve the vendor from obtaining any other license, permit, tax registration, health approval, or other authorization required by applicable county, state, or federal law.

6. Permit Duration

A General Vendor Permit shall be valid only for the date of operation identified on the permit and shall expire at 11:59 p.m. on that date.

A separate General Vendor Permit shall be required for each additional date of operation unless otherwise provided by the Town for a Town-approved event or activity.

7. Permit Fee

The applicant shall pay any General Vendor Permit fee established by resolution or in the Town's adopted fee schedule.

No fee shall be charged where prohibited by state or federal law.

8. Operating Requirements

A temporary vendor operating pursuant to a General Vendor Permit shall:

- A. Operate only within the booth, space, or vendor area approved by the Town;
- B. Keep the booth and surrounding area clean, safe, and orderly;
- C. Properly collect and dispose of all trash, waste, packaging, and debris generated by the vendor's operation;
- D. Arrange booths, displays, signs, merchandise, equipment, extension cords, and other materials so they do not obstruct or create an unreasonable hazard within any street, sidewalk, fire lane, emergency access route, pedestrian route, or other designated access area;
- E. Comply with all applicable Town, county, state, and federal laws and regulations;
- F. Obtain and maintain any additional license, permit, certification, or approval required by law for the goods or services being offered;
- G. Refrain from offering, selling, displaying, or conducting any goods, services, or activity prohibited by law;
- H. Keep the General Vendor Permit available for inspection while operating.

9. Non-transferability

A General Vendor Permit is issued only to the vendor identified on the permit and shall not be transferred, assigned, loaned, or otherwise used by another person or business.

10. Exemptions

A General Vendor Permit shall not be required where requiring such a permit is prohibited or preempted by state or federal law.

This Chapter shall not be construed to require a license or permit from an individual under nineteen (19) years of age for an occasional business activity where such a license or permit is prohibited by Utah law.

Nothing in this Section prevents the Town from establishing reasonable rules governing participation in a Town-sponsored or Town-hosted event to the extent permitted by law.

Any mobile business or other vendor entitled to an exemption from an additional municipal license, permit, or fee under Utah law shall receive the exemption required by law.

11. Denial or Revocation

The Town Clerk/Recorder or designee may deny or revoke a General Vendor Permit for any of the following reasons:

- A. Material false or misleading information was provided in the application;
- B. The vendor fails to comply with a condition of the permit;
- C. The vendor conducts an activity not authorized by the permit;
- D. The vendor fails to obtain or maintain another license, permit, certification, or approval required by law;
- E. The vendor's operation creates an obstruction or condition that presents an immediate threat to public health or safety;
- F. The vendor engages in activity prohibited by Town, county, state, or federal law; or
- G. The vendor otherwise fails to comply with this Chapter.

When circumstances reasonably permit, the Town may provide the vendor an opportunity to correct a violation before revoking the permit. Nothing herein shall require the Town to allow continued operation when an immediate public health or safety concern exists.

12. Violations and Enforcement

It shall be unlawful for any person to:

- A. Operate as a temporary vendor without a General Vendor Permit when a permit is required by this Chapter;
- B. Continue operating after a permit has expired or been revoked;
- C. Operate at a location, on a date, or in a manner materially different from that authorized by the permit; or
- D. Violate any requirement or condition imposed under this Chapter.

Violations of this Chapter shall be subject to the enforcement and penalties otherwise provided by the Big Water Municipal Code.