

BIG WATER PLANNING AND ZONING MEETING MONDAY March 1st, 2021

Work session 5:30

1. Call to Order 5:43pm

2. Discuss Meeting Agenda Items: Board is talking about which area of zone changes from M1 to RE2. Board draws on the map to show where they would like RE2. From Wash Jenni asks about if the applications are ready to be discussed and approved or disapproved. Board discussed changing the STR ordinances requirements. Talk about using an RV in a commercial area as a STR and how that would be a RV park not a STR. Talk about Robert and his conflict but because he stated on his conflict-of-interest disclosure form he can Vote as long as his states his conflicted.

Discussion about the definition of the word Dwelling

Jenni is trying to find the difference between an RV Park, and STR. Someone brought up the idea of making an RV Resort instead of an RV park because with a resort you would not be bringing them in and out all the time. This is wording would need to be done from Scratch if this is something we decide to move forward with.

Board looks over Mylar for lot consolidation.

3. Adjourn 6:27pm

6:30 PUBLIC COMMENTS ABOUT AMENDING ORDINANCES TO CLARIFY/ADJUST PROPERTIES INCLUDED IN M-1 ZONE CHANGE AND REMOVE MULTI-FAMILY CUP FROM RE-2 AND DEFINE DWELLING.

Wanda: First of all, when I Started looking through General Plan and Zoning ordinances, is says one of the purposes or main purpose 15.02.1 is protecting landowners from potential adverse impacts from adjoining uses, so that is one of the main goals for everything. One of the issues with multi-family dwelling, that was added in RE2 and RE1 could negatively impact. The other thing in general plan this is supposed to be rural, RE2 and RE1 and this why it is RE is for Rural. When you start putting in high density like let's say a 4plex, in with single family homes it is not rural, it is becoming more commercial. People do not buy or build quads or duplexes to live in. They build them to rent and that's a fact. The other thing that needs to be addressed is the CUP. A CUP is a very slippery slop. The CUP needs to not be in the RE2 or RE1. We bought our properties as Rural properties. People who have moved into big water bought because it was Rural Properties. I am not anti-growth whatsoever, it needs to be planned and zoned accordingly.

Kristi Watkins: First of all, again we are not here & we haven't been involved, to try and stop growth in Big Water, Period. This year you have **shown** you are eager to satisfy the developers needs and ignore the property owners' concerns. I know one developer that **purchased** lots knowing, they were zoned RE-2 and now, Town Council and Planning & Zoning are wanting to change the above zone from RE-2 to R-2 to fit, One, developers plan. Why are you allowing a developer to come in and Dictate to you? You have shown that you are willing to make numerous changes to applications, zoning, the general plan, to fit one developer needs, ignoring the homeowner's concerns. Do not allow any, developer to dictate to you or the homeowner where zoning is changed. You are supposed to be in control, not a developer, in control. We do not want spot zoning. In several of the town's meetings I have heard from the board, "where were all of you when this first stated?" We did, become involved when we were informed that a developer wanted to build townhomes in a RE-2 zone. We did become involved when we had copies of the developer's applications that were illegally signed off by Planning and Zoning administrator before they were completed.

Anna Welsh: She reads the notice that was in March- See Attachment. How would I know as a citizen that it would affect my property or any of my neighbors? She was unable to find a map. I checked the website there was no map. To be honest if we were to sign a lawyer there is no way this ordinance that created this M1 and changed the zoning was properly recorded. This is wasting everyone's time. Everyone back in December agreed that we should leave RE2. I am beginning to get really frustrated. Jenni Johnson answers and shows a map to the Audience to show what we are proposing to change back to RE2.

Linda Abernathy: Asked if a discission has been made? The board answer no. Jenni says this is what we are voting on tonight. Linda asks we as a body. The board answer no we as a board. To refer it to Town Council.

Jenni Johnson- we are an advisory board, so we will advise Town Council to change the zone back and remove the Multi-Family CUP from the RE-2 and define Dwelling.

Linda Abernathy: I would like to voice my support for those changes absolutely. Well, I am not sure they are changing. It was my understanding that put M-1 on map did have a quorum at the time. So, I think it was just someone's desire or dream that it never really existed as M-1. So, you are just continuing the zoning that was there from the beginning.

Kathy Christiansen: I was wondering if planning and zoning received a letter from Jan 22nd. Has the Town of Big Water town changed their code for lot consolidation? We answered no. How can you consolidation subdivided lots it's against city code.

Justin Wayment: No, in my opinion it is not a subdivision, they were parceled out by the BLM. They are not part of the subdivision; they were never recorded in the Kane County Recorder's office as my understanding as a subdivision. They were simply parceled out

by federal government. So, they are parcel of property. That is not subdivision under Utah law under my opinion.

Ron Harbut: I do not know who the person is that just made the comment that in his opinion it is not a subdivision, but is opinion is incorrect. I had the whole matter reviewed by federally and according to Utah state law. I have an attorney, that render a 2-page opinion on it, and you can ask the Mayor for a copy of that letter because your opinion is incorrect, Sir.

Closes: 6:54

MEETING 6:30 PM

AGENDA

1. CALL TO ORDER 6:54

Scott Bergantz: here

Robert Wilkes: here

Jenni Johnson: here

Tina Western Here-zoom

Denise Wood: Here

2. ROLL CALL

3. APPROVAL OF MINUTES 2.1.21-Robert Motions Scott Seconds All in Favor

4. ADMINISTRATOR REPORT: He is in training out of town.-See if we are start getting a written report.

5. CITIZEN COMMENTS-

Mark Maham: As I said before, I am former highway patrol officer. I was told when this initially started the point entrance would be coming off 89. Initially I was told there would be no impact to me, but now 3-4 cars when I turn out of big water to go out, potentially there could be 100's of cars. He wants to talk about highway safety. If there are no turn out lanes here or their people are going to get killed. There is no infrastructure for this type of subdivision.

Linda Abernathy: To that effect for classification the highway department had denied any part of putting in a turning lane. They have approved a 2nd turn out land in big water. So, if a turn lane is to be put in at the cost of the city or the developer. You cannot count one road twice. I think it is required for ingress or egress.

Wanda: One thing that was mentioned months ago. Mr. Crowther and Iron rock. He said the engineer said we don't have a dark sky. We do and we do not. It says under ordinance it starts in the night sky. 15.26.100 All down lights and lighting should not go on to another property. Negative impact on the other landowners by the townhouse development. Lack of turnout is definitely going to negatively impact safety of many resident.

Ann Welsh: Two things, First. Public safety is really important. We need safe access from the highway. She would be really upset if her tax money is used to pass this. If your duty is to make sure this is done by the book.

Tony: Is this within town limits. Has it had a perc test done.

Wendy Jensen: We were unable to hear her.

Kathy Christensen: Revolution way. Mayor said it was a frontage road. Want us to acknowledge a letter which we have not received.

6. OLD BUSINESS-

- Discussion and Possible Action on Zoning Change Application - Lone Rock Views- Recommendation to TC. Scott Motions Robert seconds all in favor. Discussion on criteria for approval.
 - Jenni: This one is hard because they have been empty for almost 50 years. I think the town is growing. It has tried before to get multi-family house in here before but SITLA owned and said no. Changing the Zone to fit Mike's thing. After checking with the state and attorney to make sure this isn't spot zoning . Since it is 15 Acres this is not a spot zone. I think this is a good place to start as far as multi-family housing because its out of the way. If he has gone through the step he should be able to. He still has a lot of steps. And since zones can be changed, each of these lots are at least 3 acres. I have not heard from any of the other owners that they are planning on building house out there within the next five to ten years or anytime soon. I'm not going to continue to hold this portion of it up, because it can always been changed later. Concerns are applications and roads. I do wish there would have been a study done before all of this like a traffic study. It has been empty and would love to see something done with it.
Robert: I had to agree because he is in the last section of Big Water. I don't see what's wrong with having the right there. There is a canyon that separates.
Tina: Says traffic study would have to be done by a developer. Would like more info about the turnout lanes. Would like to see everything safe and done right. We can't stop growth in our town.
Denise: Thinks the town should have impact studies done. Possibly get grants to help this.
 - Denise: It's in its own area. The frontage road is there for a purpose.
Jenni: You do have to go through the neighborhood to get to the development.
- 3. It's residential already. Design fits well for the area. Robert Agrees it's a perfect spot to have it. Scott agrees with Robert
- 4. It will improve the area. Maybe we will get more business. Under Canvas needs living spaces for their employees. Big water is hurting on housing.
 - Discussion and Possible Action on Lot Consolidation Application - Lone Rock Views- Approve and Recommend to town council. Jenni Motions Robert 2nds all in favor
 - Discussion and Possible Action on Planned Development Application - Lone Rock Views- Table until next meeting or until we have all information needed. Jenni Motions- Robert 2nds all in favor.

7. NEW BUSINESS-

- a) Discussion and Possible Action on Amending Ordinances to Clarify/Adjust Properties Included in M-1 Zone Change and Remove Multi-Family CUP from RE-2 and Define Dwelling. Jenni Motions with the attached map and dwelling definition and recommend to town council- Robert 2nd All in favor.
- b) Discussion and Possible Action on Approving Short Term Rental Applications – Desert Nest, Liberty Vacation Rentals. Robert Wilkes- Only approved Liberty Rental application- Jenni Motion Robert 2nds all in favor-Tina was disconnected and did not vote.
- c) Discussion and Possible Action on Amending STR Ordinance Requirements-Moved to the next agenda for more time to discuss. No action taken.
- d) Discussion and Possible Action on Beer Licensing- Recommend to town zone to add this back in to M1 and commercial-Jenni Motions Robert 2nds all in favor
- e) Discussion and Possible Action on Requiring Developers and Businesses to do an Initial Presentation before Town Council and Planning and Zoning. Just clarifying words. Such as New Business. Recommend to move it to town council. Add town council and newly developed. Jenni Motions Robert 2nd all in favor.

f) Discussion and Possible Action on Local Approval for Utah Alcohol License Application-State requires local consent. The county requires P&Z and we require TC approval. Jenni Motion Recommend to TC Robert 2nds all in favor

g) Discussion and Possible action Cul -De-Sac sizes only future- Jenni Motions to recommend adopt the fire code to TC Robert 2nd All in favor

8. FINAL COMMENTS-

9. ADJOURNMENT- Scott motions Jenni 2nds all in favor

Big Water Clerk is inviting you to a scheduled Zoom meeting.

Topic: Planning and Zoning

Time: Feb 1st 2021 6:30 PM Utah

Join Zoom Meeting

<https://us04web.zoom.us/j/843437115?pwd=VmxlQlB0K3JMMkh1NjdnaWlFbXpXUT09>

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NOTICE OF PUBLIC HEARING

Notice is hereby given that on Monday March 23rd, 2020 at 8:00pm UT at Big Water Town Hall located at 60 N Aaron Burr, Big Water, Utah, the Big Water Town Council will hold a public hearing on creating a new zoning designation and re-zoning portions of town to it.

At the time and place set forth above, all interested persons may appear and will be given an opportunity to be heard either in support or in opposition.