



Lindsay Lane Estates Lot 4 Plat Amendment

Project: DEV-9457 | Lindsay Lane Estates Lot 4
Report Date: 6 September 2024
Report Author: Anders Bake, Planner
Council Action Required: No
Type of Action: Administrative
Applicant: Justin Moss

Address: 2492 E 360 S
Existing Land Use: Single-family Home
Existing Plat: 5 ERUs
Proposed Amendment: Rear setback plat note
Related Applications: Lindsay Lane Estates Subdivision (2022)

DETERMINATION ISSUE

Whether or not the proposed amendment meets the standards for 'good cause' as required by Utah Code Annotated §17-27a-609 and other applicable ordinances governing the land use in Wasatch County. This determination is an administrative decision to be made by the Wasatch County Planning Commission.

RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal can be compliant with applicable laws. Therefore, it is recommended that the Planning Commission APPROVE the proposed Plat Amendment based on the findings and subject to the following conditions:

1. The commitments made by the developer in the submittal documents shall be considered part of the approval.
2. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.

3. The plat amendment approval shall expire if the plat is not recorded within one year from the date of receipt of final approval by the Planning Commission.



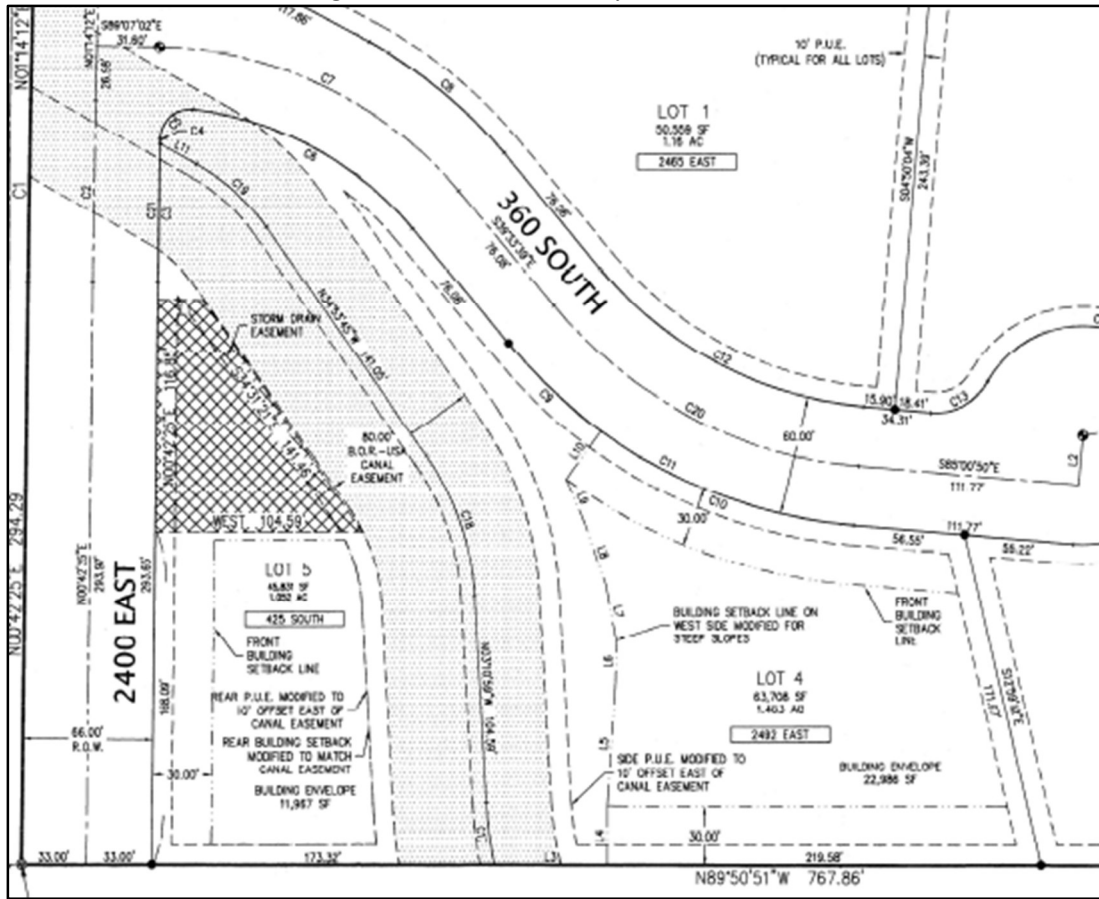
BACKGROUND

The Lindsay Lane Estates Subdivision was recorded by plat on 30 November 2022. The applicant is seeking to amend the building envelope of lot four in order to allow accessory structures to be built up to 10 feet from the rear property line as allowed by Wasatch County Code. The existing Lindsay Lane Estates Subdivision includes building envelopes on lots four and five. The building envelopes are primarily in place due to a canal easement and steep slopes that exist on these two lots. The Lot four building envelope also include front, side, and rear setbacks which match the setback requirements for a single-family house in the RA-1 Zone.

The applicant would like to construct an accessory building on lot four in the rear yard. Wasatch County Code allows accessory structures to be located up to ten feet from a rear property line. However, if a building envelope shown on a plat identifies a more restrictive building setback, the building must comply with the plat requirements. The applicant is proposing to add a plat note that will allow accessory structures to be placed up to ten feet from the rear property line on lot four.

Wasatch County Code requires notice to be sent to all property owners within the plat, as well as property owners within 500 feet of the requested plat amendment. Wasatch County Code 16.01.05 identifies who the land use authority is depending on the scope of the proposed amendment. This proposal is considered a Minor Plat Amendment and therefore can be considered by the Administrative Land Use Committee. If no objections are received by the neighboring property owners, the proposal can be approved by the Chairman of the Administrative Land Use Committee without the need for a public meeting. If objections are received, then the Administrative Land Use Committee will hold a public meeting regarding the proposal.

Existing Plat with 30-foot rear yard setback on lot 4



KEY ISSUES TO CONSIDER

- Compliance with zoning requirements, including supplementary development standards.
- Compliance with UCA §17-27a-609, and including WCC 16.04.02 definition of good cause.
- Compliance with all physical constraint requirements in WCC 16.27.25

STAFF ANALYSIS

– SETBACKS –

Through the DRC review of this application, it appears that there nothing in County Code that would necessitate a more restrictive accessory structure setback than what the code normally requires on the rear yard of lot four. The primary concern was that increased slopes or other physical constraints would warrant an increased setback for all structures in the rear yard. Wasatch County Code Section 16.27.25 prohibits construction in areas with a slope greater than 30%. However, the information provided in the application, which includes a slope map, indicates that there is no reason for an increased rear yard setback.

– GOOD CAUSE –

UCA §17-27a-609 allows the County to approve a plat amendment if the County finds that: (a) there is good cause for the vacation, alteration, or amendment; and (b) no public street, right-of-way, or easement has been vacated or altered. Wasatch County Code 16.04.02 has defined “good cause” as follows:

16.04.02: DEFINITIONS

...

GOOD CAUSE: Providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Wasatch County and furthering the health, safety, and welfare of Wasatch County.

...

The Development Review Committee has reviewed the plat amendment and finds the proposal complies with the need to meet “good cause” because the proposal would resolve an existing issue. It appears that at the time this plat was approved, there was no reason to limit the placement of accessory structures beyond the requirements of County Code. It was most likely not the intent of the original Lindsay Lane Estates Subdivision applicant to further restrict the allowable placement of accessory structures on this property. No public roads or easements are being affected by the proposed plat amendment.

– PUBLIC RIGHT-OF-WAY OR EASEMENTS –

The proposal does not impact any public street or right-of-way access or public utility easement.

DEVELOPMENT REVIEW COMMITTEE

This proposal has been reviewed by the various members of the Development Review Committee (DRC) for compliance with the respective guidelines, policies, standards, and codes. A report of this review has been attached in the exhibits. The Committee has forwarded the item for the Administrative Land Use Committee to render a decision.

RECOMMENDED MOTION

Move to Approve item consistent with the findings and subject to the conditions presented in the staff report.

– FINDINGS –

1. The subject property is 1.463 acres per the recorded subdivision plat.
2. The subject property is in the Residential Agriculture 1 (RA-1) zone.
3. The existing plat includes a building envelope that requires buildings to be placed at least thirty feet from the rear property line on lot four.

4. Through the DRC review, it was determined that the 30-foot rear yard setback is not necessary and that the placement of an accessory structure at ten feet from the property line will comply with Wasatch County Code requirements.
5. Good cause for the amendment exists since the proposed change will resolve an issue by removing an increased setback that is not required by County Code.
6. No public or private roads are being vacated as part of this plat amendment.
7. The Development Review Committee has reviewed the technical requirements of the proposed project and determined the project is ready for decision by the Land Use Authority.
8. The proposal is consistent with Utah Code §17-27a-609.

– *CONDITIONS* –

1. The commitments made by the developer in the submittal documents shall be considered part of the approval.
2. All issues raised by the DRC shall be resolved to the satisfaction of the applicable review department in accordance with applicable standards.
3. The plat amendment approval shall expire if the plat is not recorded within one year from the date of receipt of final approval by the Planning Commission.

POSSIBLE ACTIONS

The following is a list of possible motions the Administrative Land Use Committee can take. If the action taken is inconsistent with the recommended findings listed in the staff report, the Administrative Land Use Committee should state new findings.

1. Approve. This action may be taken if the Administrative Land Use Committee finds that the Plat Amendment request is compliant as proposed with Wasatch County Code and all other applicable laws.
2. Approve with Conditions. This action can be taken if the Administrative Land Use Committee feels comfortable that remaining issues can be resolved through specified conditions. ****This action would be consistent with the staff analysis.****
3. Continue. This action can be taken if the Administrative Land Use Committee needs additional information before rendering a decision, if there are issues that have not been resolved, or if the application is not complete.
4. Deny. This action can only be taken if the Administrative Land Use Committee finds that the proposal does not meet the ordinance or that the application is insufficient to comply with applicable law.

NEXT STEPS

If the requested plat amendment is approved, the applicant will need to satisfy any conditions, if applicable, and can deliver a mylar plat to the planning office for recording. Actions must be taken to pursue the approval with reasonable diligence as outlined in Wasatch County Code 16.01.16.

If the requested plat amendment is denied, there is no further action required. If the applicant desires to request an alternative plan for approval, it will need to be made as a new application.

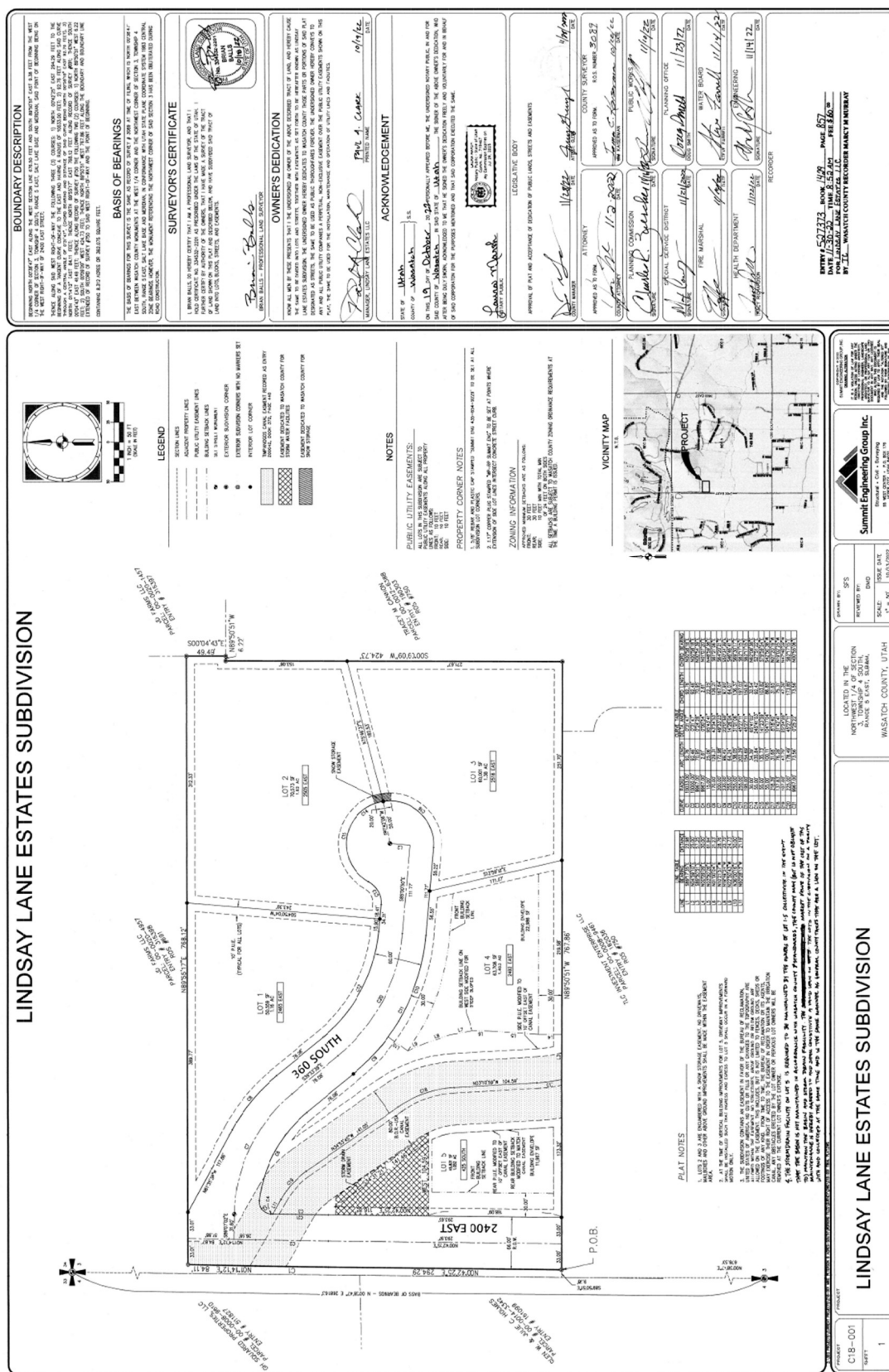
Any person adversely affected by a final decision made by the Land Use Authority can be appealed under the provisions outlined in Wasatch County Code 2.02.02.

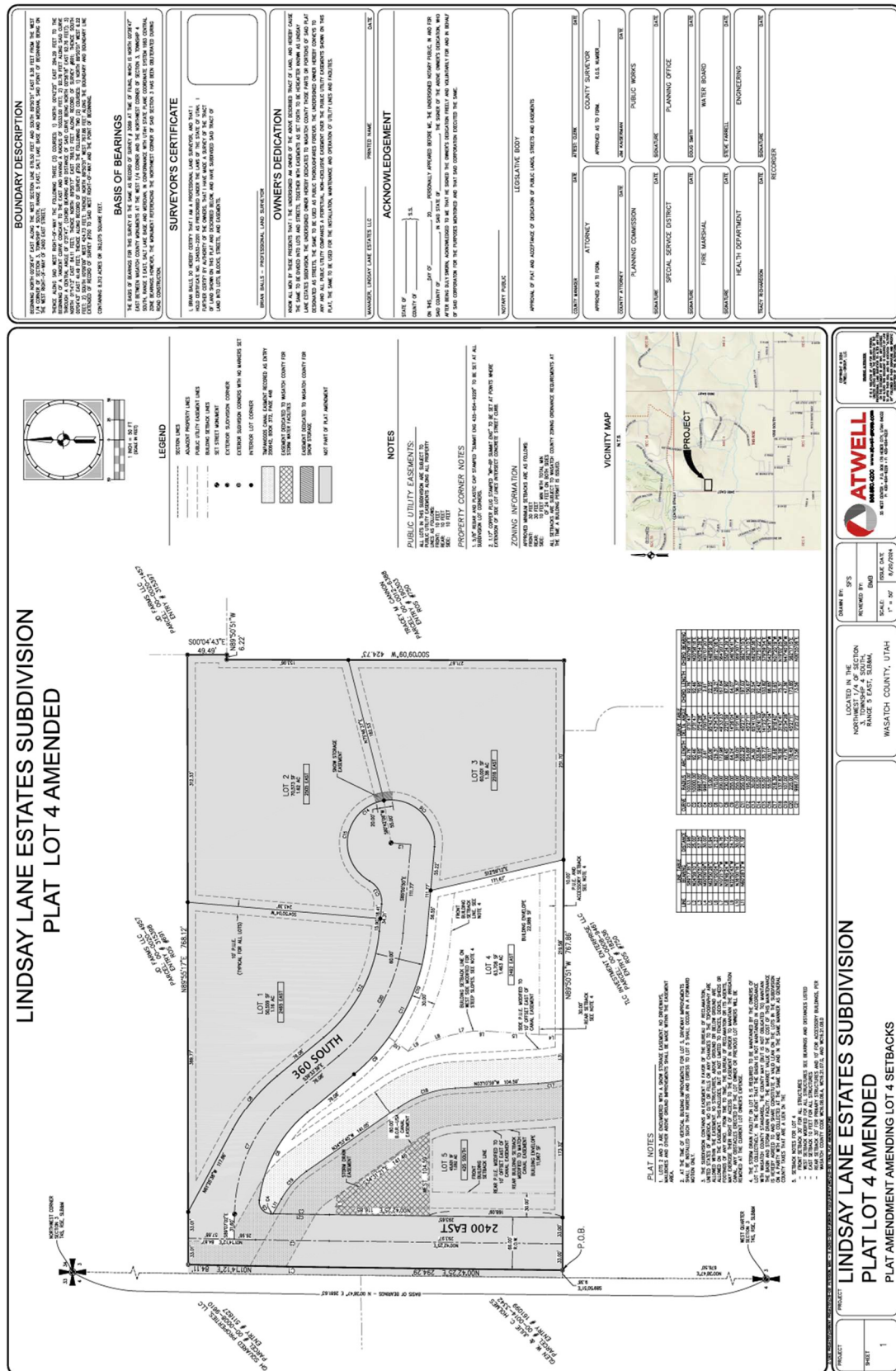
EXHIBITS

Exhibit A – Vicinity Plan	7
Exhibit B – Existing Subdivision Plat	8
Exhibit C – Proposed Amended Plat.....	9
Exhibit D – Slope Map	10
Exhibit E – DRC Report	11

Exhibit A – Vicinity Plan









**Wasatch County
DESIGN REVIEW
COMMITTEE (DRC)
COMMENTS**

PROJECT ID: DEV-9457
PROJECT NAME: PLAT AM - PETERSON BARN - LINDSAY
LANE LOT 4
VESTING DATE: 7/29/2024
REVIEW CYCLE #: 2

REVIEW CYCLE STATUS: READY FOR DECISION

Project comments have been collected from reviewers for the above noted review cycle and compiled for your reference below. Please review the comments and provide revised plans/documents if necessary. **Resubmittals must include a plan review response letter** outlining where requested changes and corrections can be found. Failure to provide such a letter will result in the project being returned to you.

When uploading revisions please name your documents exactly the same as it was previously uploaded. Revision numbers and dates are automatically tracked. There is no need to re-upload documents that aren't being changed. DO NOT DELETE documents and then upload new ones.

Once you have addressed all of your items and successfully uploaded your revisions, be sure to re-submit your project for review. Resubmittal must be made through the portal in order to receive official review. Projects requiring Planning Commission approvals or recommendations will not be placed on a planning commission agenda until all DRC reviewers have recommended the item to move forward.

Entity	Decision
Planning Department	Ready for Decision
Recorder's Office	Ready for Decision

Approved = Reviewing entity has approved the project under consideration of their applicable codes. Any open comments are considered conditions of the entities recommendation.

Ready for Decision = Reviewing entity recommends the project move forward to a Planning Commission meeting (if applicable). Any open comments are considered conditions of the entities recommendation.

Changes Required = Reviewing entity has identified an issue(s) that needs to be resolved before recommending the project move forward.

No Action = Reviewing entity has not taken any action for the review cycle.

OVERALL PROJECT COMMENTS

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN3	02b - Amended Plat	For your information: There is a typo on Plat Note 4 which was added to this plat. Add the word "plat" at the end of this note before printing the Mylar.