



Timber Lakes Plat 11 Lots 1134 & 1135

Minor Plat Amendment

Project: DEV-9802 | Timber Lakes 1134 & 1135

Report Date: 24 October 2024

Report Author: Anna Anglin, Planner

Council Action Required: No

Type of Action: Administrative

Applicant: Thomas Donovan

Address: 9825 and 9841 Ridge Pine Drive

Zone: Mountain (M)

Existing Plat: 106 lots on 192 acres

Proposed Amendment: Combine Lots 1134 & 1135

DETERMINATION ISSUE

Whether or not the proposed minor plat amendment to combine two lots 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. As per 16.01.05(C)(1)(d) this determination is an administrative decision to be made by the Wasatch County Administrative Land Use Committee.

RECOMMENDATION

Based on the analysis in this staff report, it appears that the proposal is compliant with applicable laws. Therefore, it is recommended that the Administrative Land Use Committee APPROVE the proposed Minor Plat Amendment based on the findings and conditions listed under the recommended motion.



BACKGROUND

Timber Lakes No. 11 Subdivision was recorded by plat on March 8, 1974. The applicant is seeking to combine lots 1134 and 1135 to create one larger lot. The property is located at 9825 and 9841 Ridge Pine Drive in the Mountain Zone (M). Lot 1134 currently has a cabin located on it and the bulk of the cabin's septic system is on lot 1135. The applicant purchased both lots at the same time intending to combine them at some point. At the time the cabin was built, the property owner/ applicant was not concerned about the setback from the side property line. They have treated the two lots as once since the time they purchased the property in 2003. If combined, the total size of the lot will be 2.96 acres (approximately 128,937.6 sq ft). The resulting lot will have approximately 267 feet of street frontage. There is a utility easement for the first 15' of the lot facing the street that will be maintained as an easement.

Lots #1134 and 1135 of the subdivision are recorded on the original plat as being smaller than what is on the proposed amended plat causing a discrepancy between what is drawn on the amended plat and what was originally recorded. After communication with the licensed surveyor who worked on the revised plat, it was conveyed that when the plat was originally drawn in the 1970's, the lot sizes were approximated to the centerline of the stream running along the northern boundary of the lots and not physically measured as they should have been, making the lots smaller on the recorded plat than what they actually are when surveyed. The County Surveyor has requested them add a call out on rebar and caps as off set to platted corner stating "From Centerline of Creek", which they have added.

In addition, due to the age of the recorded subdivision, it is recognized as legal nonconforming and is subject to section 16.22.10 and is limited to what is allowed for nonconforming subdivisions. Due to the lots being smaller than the

minimum size requirement for the M zoning district (20 acre lots), combining the lots will increase its conformance to current zoning, but will not be allowed to be subdivided again in the future unless the property is rezoned.

The 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. At the time of this report, no objections have been received in response to the notices sent.

Utah Code § 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.

PURPOSE AND INTENT

The subject property is in the Mountain Zone (M) where the residential lots for detached single-family homes (land use 1111) is listed as a permitted use in the zone. The purpose outlined in the Mountain Zone (M) is quoted below:

16.09.01: PURPOSE

The mountain zone (M) is established for development in mountainous areas of the county that may or may not have services readily available. Development should be in harmony with mountain settings and adverse impacts shall be mitigated. The specific intent in establishing the mountain zone is for the following purposes:

- A. Provide an appropriate location within the unincorporated area for the development of mountain residential dwellings.*
 - B. Facilitate payment for services rendered by the county for streets, fire, police, health, sanitation and other services.*
 - C. Prevent soil erosion generated from excessive streets and soil displacement.*
 - D. Protect the vegetation and aesthetic characteristics of the county canyons and mountains.*
 - E. Encourage the protection of wildlife, plant life and groundwater.*
 - F. Protect the health, safety and welfare of the residents of the county by only allowing development that will have appropriate access to and from the development and provide appropriate fire and emergency access.*
 - G. Discourages developments in isolated areas of the county where essential services are not readily available and would be fiscally irresponsible and/or burdensome for the county to provide such services.*
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KEY ISSUES TO CONSIDER

- Compliance with zoning requirements, including the rules and regulations for nonconforming subdivisions found in section 16.22.10 of the Wasatch County code.
- Review for compliance with the original approval of the subdivision plat and address the discrepancy to the County Surveyor's satisfaction.
- Compliance with UCA §17-27a-609 and including WCC 16.04.02 definition of good cause.

STAFF ANALYSIS

– LAND USE AND DENSITY –

The subdivision was created under a prior zoning regulation and is a nonconforming subdivision. All of the lots created at the time are now nonconforming in the Mountain Zone as to the minimum lot size of 20 acres. The recorded plat is also nonconforming as to environmental constraints such as lot slope. If the lots were to be combined, the lot size will be in greater compliance, and it will prohibit the future development of lot 1135. The proposed amendment will decrease the density of the previously approved plat and bring the subdivision more into compliance with current County ordinance.

– SETBACKS –

The building setbacks for the proposed lot are found listed in the Mountain zone of the County Code. The front yard requirement is 60' from the centerline of road and the minimum side yard setbacks are 12' and there is a 30' foot rear yard setback requirement. The lot combination will not create any new non-compliances as to yard setbacks.

– 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” as required by State Law. The changes will lower density, and any new construction is required to meet all Wasatch County Code requirements, utilizing best planning and design practices. The lot combination will create a lot that is in greater compliance with the minimum lot size of the Mountain zone. It is not anticipated that the proposed action would affect the neighboring landowners negatively due to there will be no increase in density. No public roads or easements are being affected by the proposed plat amendment.

– PUBLIC RIGHT-OF-WAY OR EASEMENTS –

The proposal does not impact the public street, right-of-way access, or any 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. Conditions proposed by the DRC have been provided in the recommended motion.

RECOMMENDED MOTION

Move to Approve the proposed The Timber Lakes No. 11 Subdivision 1134 and 1135 Minor Plat Amendment consistent with the findings and subject to the conditions presented in the staff report.

– FINDINGS –

1. The proposal combines two lots into one lot, decreasing the density of the plat.
2. The subject property is two lots that will create a 2.96-acre lot if combined.
3. The subject property is in the Mountain Zone (M).
4. There is Good Cause for the amendment because it is not anticipated that the proposed action would affect the neighboring landowners negatively due to the proposed subdivision amendment does not increase density, and it will bring the lot size more in compliance with the Mountain Zoning District, and any new construction is required to meet all Wasatch County Code requirements, utilizing best planning and design practices.
5. No public or private roads are being vacated as part of this plat amendment.
6. The Development Review Committee has reviewed the technical requirements of the proposed project and determined the project is ready for a decision by the Land Use Authority with conditions.
7. The proposal is consistent with Utah Code §17-27a-609.
8. Notice has been provided in compliance with state and local laws.

– CONDITIONS –

1. Based on the current zoning designation and its associated regulations, the applicant would forfeit the right for further subdivision of their property.
2. Address the discrepancy in lot size to the County Surveyor's satisfaction before recording the plat.
3. Make changes to the amended subdivision plat identified by the DRC Team.

POSSIBLE ACTIONS

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

1. Approve. This action may be taken if the ALUC finds that the Minor 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 ALUC 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 ALUC 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 ALUC 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 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
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Exhibit C – Proposed Amended Plat

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Exhibit D – DRC Report



Wasatch County DESIGN REVIEW COMMITTEE (DRC) COMMENTS

PROJECT ID: DEV-9802
PROJECT NAME: PLAT AM - LOT COMBINATION
VESTING DATE: 9/17/2024
REVIEW CYCLE #: 2

Review Cycle Status: Changes Required

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
Public Works Department	Ready for Decision
Weed Department	Ready for Decision
Engineering Department	Ready for Decision
County Surveyor	Ready for Decision
GIS Department	Ready for Decision
Planning Department	Ready for Decision
MAG Regional Trail Planner	Ready for Decision
Building Department	Ready for Decision
Fire SSD	Ready for Decision
Sheriff's Office	Ready for Decision
Health Department	Ready for Decision
Assessor's Office	No Action Taken
ATT - Civil	No Action Taken
Manager's office	No Action Taken
Recorder's Office	No Action Taken
SSD - Timber Lakes	No Action Taken

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

DRC Project Comments		
Comment ID	Entity	Comment
FIRE-App-1	SSD - Fire SSD Approval	Fire Code as applicable for access, fire flow, fire hydrant location etc.

Project Document Sheet Comments by Reviewing Entity

DRC - Surveyor Office		
Comment ID	Sheet Name	Comment
DRC-SUR1	02b - Amended Plat	# 1 Please label the two lots being combined. # 2 Please call out "from centerline of creek" on rebar and caps as off set to platted corner. # 3 The name is incorrect in title. The name is correct in center of drawing. # 4 Please add a symbol notation or a Legend