



Item 1 – Tuhaye Dancing Sun Phase 2 Subdivision Lots 3 and 4 Minor Plat Amendment

Project: DEV-9737 | Tuhaye Dancing Sun Phase 2
Lot 3 & 4
Report Date: 30 October 2024
Report Author: Anna Anglin, Planner
Council Action Required: No
Type of Action: Administrative

Applicant: Joshua Call
Address: 2002 E Reservoir View Drive
Existing Land Use and Zone: Vacant
Existing Plat: 15 lots on 15.89 acres
Proposed Amendment: Combine Lots 3 and 4
Related Applications: DEV-4090

DETERMINATION ISSUE

Whether or not the proposed amendment should be approved and therefore 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.

1. 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 ALUC.
2. The applicant shall resolve any conditions noted in the DRC report to the satisfaction of the applicable review department.

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 Jordanelle Basin Overlay Zone (JBOZ) 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 JBOZ Zone is quoted (in part) below:

16.15.01: PURPOSE

The Jordanelle Basin overlay zone (JBOZ) is to implement the goals and standards established by the previously adopted Jordanelle Basin land use plan and map and accomplish the following purposes:

- 1. The lands comprising the overlay zone include all the Jordanelle Basin;*
 - 2. To allow for development of the lands which complies with the goals and standards of the plan;*
 - 3. To preserve and protect the natural beauty of the Jordanelle Basin;*
 - 4. To establish regulations by which development may take place in the JBOZ.*
-

KEY ISSUES TO CONSIDER

- Compliance with zoning requirements, including supplementary development standards.
- Review for compliance with the original approvals of the subdivision plat and Development Agreement.
- Compliance with UCA §17-27a-609 and including WCC 16.04.02 definition of good cause.

STAFF ANALYSIS

– LAND USE AND DENSITY –

The proposed amendment will decrease the density of the previously approved plat. There are no restrictions in the development agreement on reducing density.

– SETBACKS –

The proposed building envelope is carried over to the amended plat for lot 3 and does not permit building in any identified physical constraints. Once the lots are combined into one lot, it will comply with the minimum setbacks for the JBOZ of 20 feet front, 12-foot sides, and 30 foot rear yards for residential uses.

– 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 due to it is not anticipated the proposed lot combination will affect the neighboring landowners negatively and the proposed amendment will decrease the density of the previously approved plat. 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, right-of-way access, or 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 the proposed Tuhaye Dancing Sun Phase 2 Subdivision - lot 3 and 4 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 properties current lot sizes are 0.77 acres (lot 3) and 0.94 acres (lot 4) totaling a new lot that is 1.71 acres.
3. The subject property is in the Jordanelle Basin Overlay Zone (JBOZ).
4. There is Good Cause for the amendment because the proposed action would not affect the neighboring landowners negatively because density will be decreased. 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 proposed revision conforms with the Wasatch County Development standards and will meet the original approvals for the development.

7. 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.
8. The proposal is consistent with Utah Code §17-27a-609.
9. Notice has been provided in compliance with state and local laws.

– *CONDITIONS* –

1. 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 Administrative Land Use Committee.
2. The applicant shall resolve any conditions noted in the DRC report to the satisfaction of the applicable review department.

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 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 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.....	6
Exhibit B – Existing Subdivision Plat	7
Exhibit C – Proposed Amended Plat.....	8
Exhibit D – DRC Report.....	9



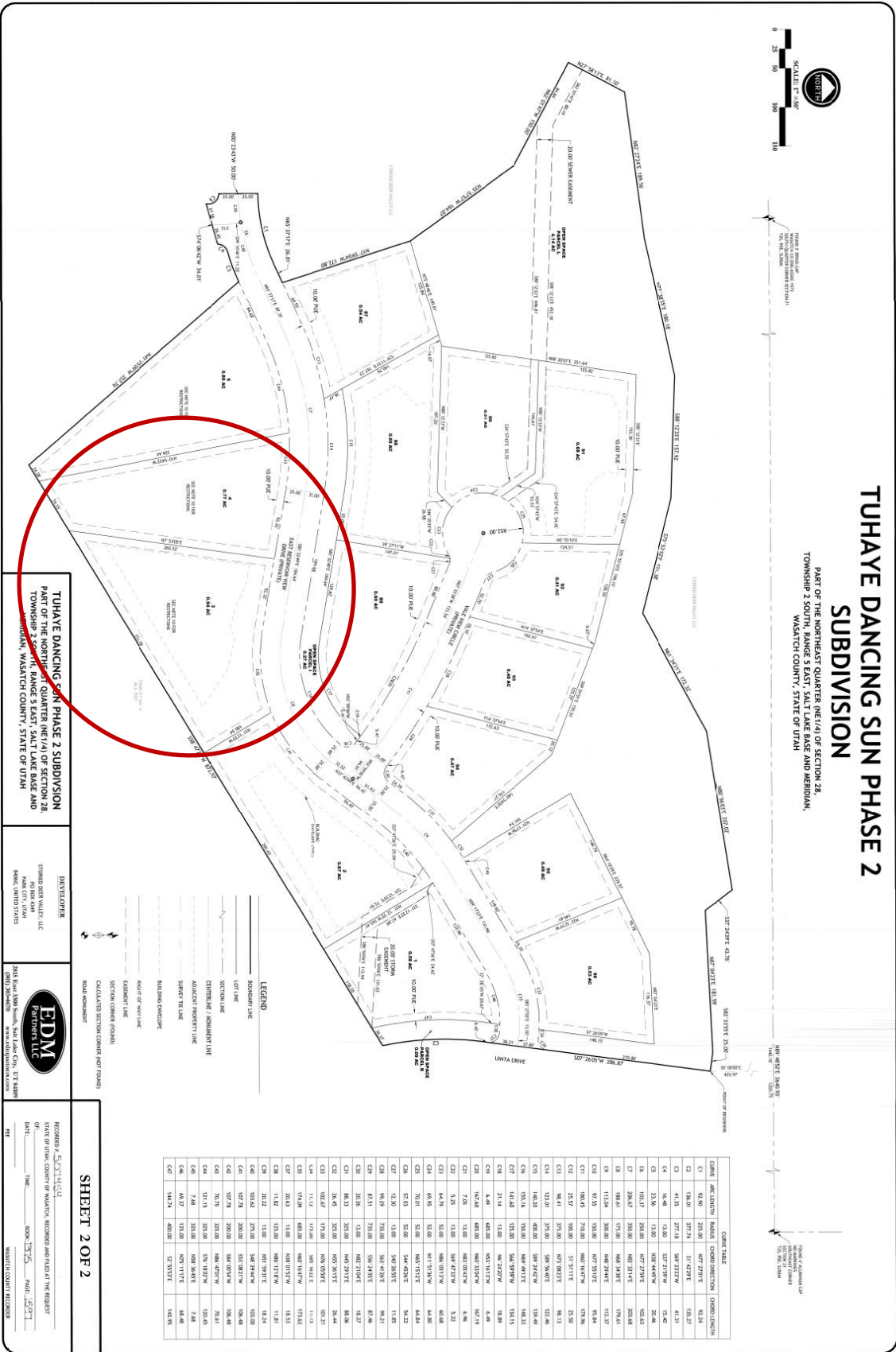


Exhibit C – Proposed Amended Plat

[illegible]

Exhibit D – DRC Report



Wasatch County DESIGN REVIEW COMMITTEE (DRC) COMMENTS

PROJECT ID: DEV-9737
PROJECT NAME: PLAT AM - TUHAYE DANCING SUN LOTS 3
AND 4 PLAT AMENDMENT
VESTING DATE: 8/27/2024
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
Engineering Department	Ready for Decision
County Surveyor	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

DRC Project Comments		
Comment ID	Entity	Comment
DRC-JSSD1	DRC - Jordanelle SSD	There are existing sewer laterals for lots 3 and 4, one of these laterals will be used and the other to be abandoned, JSSD to be notified of the action. If the plat amendment is to be signed prior to abandonment, a deposit will be required to be held by JSSD until complete. Once work is complete or deposit is paid, JSSD approves of vacating the PUE between lots 3 and 4.

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - GIS Dept		
Comment ID	Sheet Name	Comment
DRC-GIS1	02b - Amended Plat	To reduce chances of confusion, please remove the directional "east" from the road name. It should remain in just the street address (2002 E. Reservoir View Drive).

DRC – Planning Dept		
Comment ID	Sheet Name	Comment
DRC-PLN2	02b - Amended Plat	Please correct typing errors in note 9 before mylar is finalized.