



Timber Lakes Plat 11 Lots 1101A & 1102

Minor Plat Amendment

Project: DEV-9989 | Timber Lakes 1101A & 1102

Report Date: 20 November 2024

Report Author: Anna Anglin, Planner

Council Action Required: No

Type of Action: Administrative

Applicant: Julie Rawles

Address: 9786; 9756; and 9742 E. Ridge Pine Drive

Zone: Mountain (M)

Existing Plat: 106 lots on 192 acres

Proposed Amendment: Combine Lots 1101A & 1101 and adjust the lot line between lots 1101A & 1102

DETERMINATION ISSUE

Whether or not the proposed minor plat amendment to combine two lots and adjust a lot line between a third adjacent lot meets the standards for 'good cause' as required by Utah Code Annotated §17-27a-609 and does not increase the non-conforming nature of the lots 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 listed under the recommended motion.



BACKGROUND

Timber Lakes phase No. 11 Subdivision was recorded by plat on March 8, 1974. The applicant is seeking to combine lots 1101A and 1101 to create a larger lot to be known as 1101A and then move the lot line between the newly created lot 1101A and 1102 to the east approximately 19.557 feet to increase the size of lot 1102. The properties are located at 9786; 9756; and 9742 E. Ridge Pine Drive in the Mountain Zone (M). Lot 1101A currently has a cabin located on it. In 2018 lot 1101A was amended to create the current lot by combining two lots (1101A and formerly 1101B). If the proposed lot combination is approved, the total size of the newly created lot 1101A will be 2.99 acres (approximately 130,244.4 sq ft). The lot line adjustment will increase the total lot size of 1102 to 1.25 acres (54,450 sq ft.) and increases the frontage. There is a utility easement for the first 15' of the lot facing the street that will be maintained as an easement. See the chart below for details on the proposed lot combination and lot line adjustment:

Lot Number	Current lot size	Current Street Frontage	Proposed Lot Size	Proposed Street Frontage
1101A	2.12 acres	229.49 FT	2.99 acres	335.01 FT
1101	1.06 acres	125.083 FT	NA	NA
1102	1.06 acres	125.083 FT	1.25 acres	144.64 FT

The recorded subdivision is legal nonconforming due to changes to the county code and zoning map since the approval of the subdivision and is subject to section 16.22.10 of the Wasatch County Code. One of the nonconformities of the subdivision is smaller lots than the minimum size requirement for the M zoning district (20 acre lots). Combining the lots will increase 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 detached single-family home (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.
- There is an existing structure on lot 1101A.
- Compliance with UCA §17-27a-609 and including WCC 16.04.02 definition of good cause.
- The proposal results in a density decrease of one (1) lot.
- Lot 1101A will increase in size from 2.12 acres to 2.99 acres and lot 1102 will increase in size from 1.06 acres to 1.25 acres.

STAFF ANALYSIS

– LAND USE AND DENSITY –

The subdivision was created under a prior zoning regulation and is a nonconforming subdivision. All lots created at the time are now nonconforming in the Mountain Zone due to the minimum lot size of 20 acres and frontage requirements. If the lots were combined and a lot line adjustment was approved the lot sizes would be in greater compliance. In addition, the proposed amendment will decrease the density of the previously approved plat.

– 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 and lot line adjustment will not create any new noncompliance with setbacks for the existing structure or in minimum requirements for street frontage.

– 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 lot combination and lot line adjustment will create two lots that are 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. Lot combinations assure less density, more open space, and fewer septic drain fields. 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.

– NON-CONFORMING LOT –

The lots being considered are in a legal non-conforming subdivision. Since the lot was created, zoning regulations for the property have changed. Based on the current zoning designation and its associated regulations, the applicant would forfeit the right to re-subdivide the property in the future.

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 Timber Lakes No. 11 Subdivision amendment for lots 1101A, 1101, and 1102 as a Minor Plat Amendment consistent with the findings presented in the staff report.

– FINDINGS –

1. Good cause for the amendment exists since lot combinations reduce density, increase open space, and reduces the number of septic drain fields.
2. No public or private roads are being vacated as part of this plat amendment.
3. Based on the current zoning designation and its associated regulations, the applicant would forfeit the right to re-subdivide the property in the future.
4. This proposed revision conforms to the Wasatch County development standards.
5. The proposal is consistent with Utah Code § 17-27a-609.
6. The Development Review Committee has reviewed the project and provided a favorable recommendation.

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. ****This action would be consistent with the staff analysis.****
2. Approve with Conditions. This action can be taken if the ALUC feels comfortable that remaining issues can be resolved through specified conditions.
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

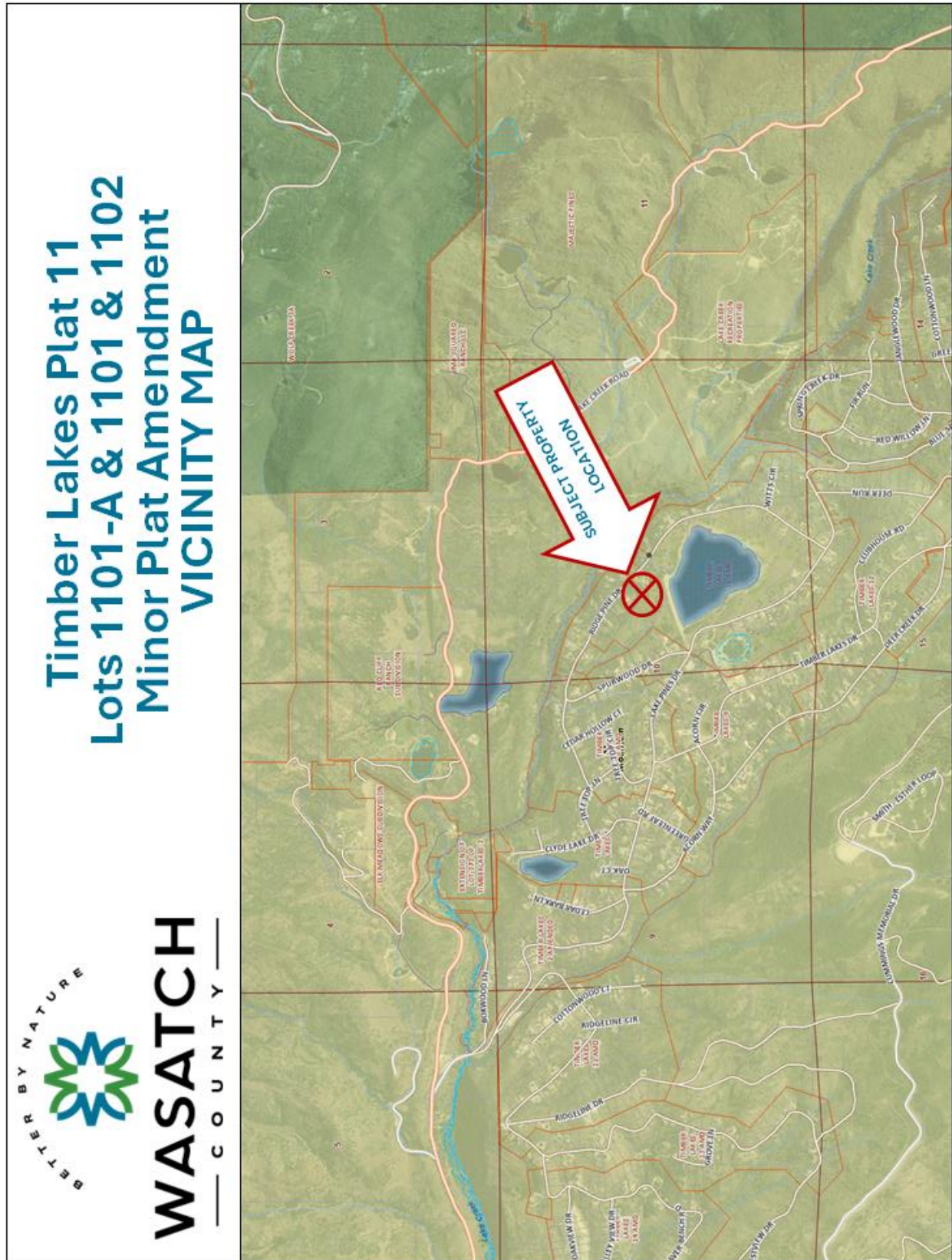
Exhibit A – Vicinity Plan.....7

Exhibit B – Original Subdivision Plat.....8

Exhibit C – Proposed Amended Plat.....9

Exhibit D – DRC Report.....10

Exhibit A – Vicinity Plan



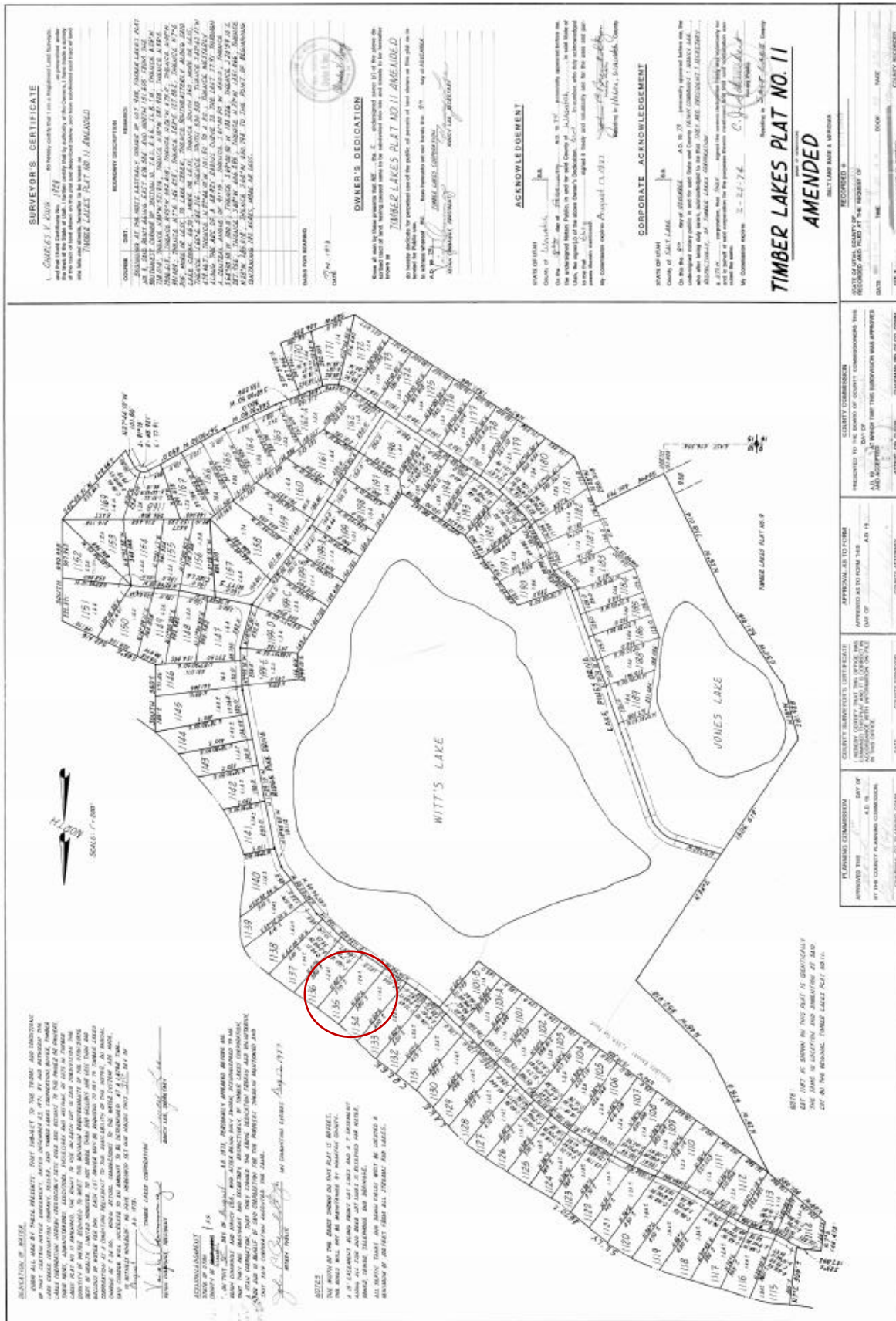


Exhibit D – DRC Report



Wasatch County DESIGN REVIEW COMMITTEE (DRC) COMMENTS

PROJECT ID: DEV-9989
PROJECT NAME: PLAT AM - JRAWLE
VESTING DATE: 10/21/2024
REVIEW CYCLE #: 3

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
County Surveyor	Ready for Decision
Engineering Department	Ready for Decision
Planning Department	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 - Surveyor Office		
Comment ID	Sheet Name	Comment
DRC-SUR1	Closure Sheet	The original plat area and the newly reconfigured lot areas do not match by 0.15 acres. Please show plat area vs. measured and calculated area if there is a difference.
DRC-SUR2	Proposed amended Plat TL-1101A 1102 PA	# 1 The section call out is incorrect. It should be the SW corner of section 10. # 2 Please check the section corner ties, we have found your distances to be short both south and west.