



Timber Lakes Plat 8 Lots 825 & 826

Minor Plat Amendment

Project: DEV-10298 | Timber Lakes 825 & 826

Report Date: 24 February 2025

Report Author: Anna Anglin, Planner

Council Action Required: No

Type of Action: Administrative

Applicant: Mike Johnston

Address: 1594 & 1612 South Tree Top Lane

Zone: Mountain (M)

Existing Plat: 84 lots on 96.5 acres

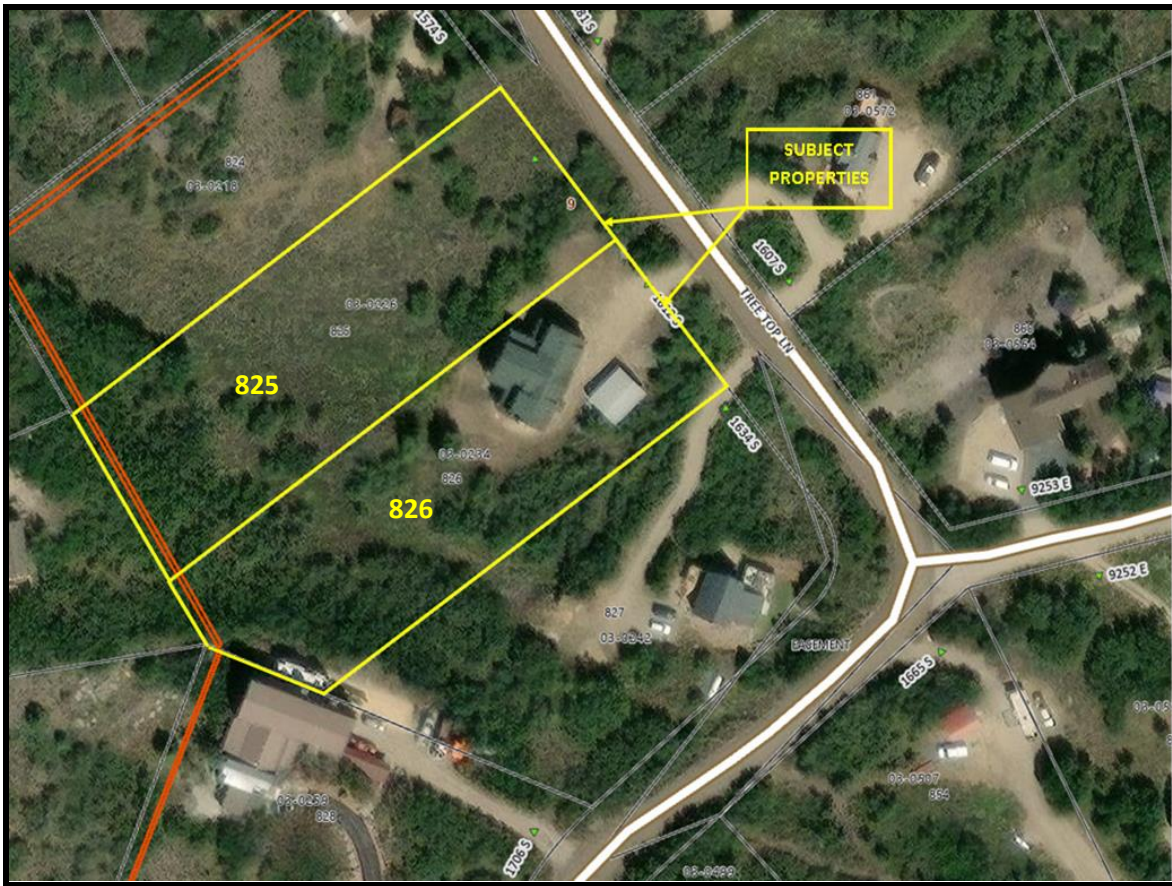
Proposed Amendment: Adjust lot line between Lots 825 & 826

DETERMINATION ISSUE

Whether or not the proposed minor plat amendment to adjust the lot lines between 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 condition listed under the recommended motion.



BACKGROUND

Timber Lakes Plat 8 Subdivision was recorded by plat on June 11, 1973. The applicant is seeking to adjust the lot line of lots 825 and 826 to bring the existing structure on lot 826 more into compliance. The property is located at 1594 and 1612 South Tree Top Lane in the Mountain Zone (M). Both lots are approximately 1 acre in size and currently have a cabin located on them. Lot 825 had a building permit issued for a single-family home in 2022 (permit# 22-749) and a certificate of occupancy was issued on May 30, 2024. The County Assessor's Office has the house on lot 826 being built in 1986. Research carried out on the property could find no other permits or documents for the cabin in the County's system except one for a garage issued in 1989 (permit# 2782). The reason the plat amendment is being requested is due to the existing cabin on lot 826 encroaching on lot 825 by almost a foot according to a survey performed on lot 825 (See Exhibit B).

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. This is due to the lots being smaller than the minimum size requirement for the M zoning district (20 acre lots).

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.*
-

KEY ISSUES TO CONSIDER

- Is the proposal in compliance with zoning requirements, including the rules and regulations for nonconforming subdivisions found in section 16.22.10 of the Wasatch County code?
- Does the proposal comply with UCA §17-27a-609 and WCC 16.04.02 definition of good cause?
- Does the plat amendment decrease the degree of non-conformity and provide good cause for approval of the proposal?

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 that time are now nonconforming in the Mountain Zone due to the minimum lot size of requirement of 20 acres. The recorded plat is also nonconforming as to environmental constraints such as lot slope. For the County to approve adjusting a lot line, it would need to be done in a way that does not increase the degree of nonconformity any more than what exists. The intent is to make the lot more compliant than it was prior to the plat amendment.

– SETBACKS –

The building setbacks for the Mountain (M) zone of the County Code (section 16.09.09) are as follows:

- The front yard requirement is 60' from the centerline of road and;
- The minimum side yard setbacks are 12' and;
- The rear yard setback requirement is 30'.

Currently the structure on lot 826 crosses over the lot onto the neighboring property by almost a foot (1'). The applicant proposes moving the lot line north approximately six (6') feet between where both structures are currently located. This would increase the setback of the existing building encroaching onto the neighboring property to approximately five (5') feet. The proposed plat amendment shows the house on lot 825 to have a setback of approximately 28' from the property line adjacent to lot 826 after the adjustment is made. To make up for the loss of lot size on 825, the adjusted lot line will then curve south six feet behind the structures to make both lots equal to the original size of the lots. The plat amendment will reduce the nonconformity of a structure by increasing the setback from encroaching over the property line to having a five (5') foot setback from the property line. The adjacent property owner is not willing to allow the property line to be moved more than 6' thus a 12' setback will not be allowed by the adjacent property owner.

– UTILITY EASEMENTS –

The original plat from 1973 did not record utility easements at the time of approval. The Wasatch County ordinance has since established that utility easements are required in section 16.27.12(K) & (L). The proposed plat amendment includes a note stating all lot lines are subject to a ten-foot utility easement and a newly established 15' utility easement will run across the front of both properties. The added note on the plat and the 15' utility easement across the front of both properties will bring the lots more into compliance with section 16.27.12(K) & (L). All utilities have been installed to the existing cabins.

– 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 reduce the nonconformity of a structure on lot 826 by increasing the setback from encroaching over the property line to having a five (5') foot setback and brings the lots into greater compliance with section 16.27.12(K) & (L). All new construction is required to meet Wasatch County Code requirements, utilizing best planning and design practices. It is not anticipated that the proposed action would affect the neighboring landowners negatively due to there will be no

physical change to what exists on both lots. 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 Timber Lakes Plat 8 Subdivision 825 and 826 Minor Plat Amendment consistent with the findings and subject to the condition presented in the staff report.

– FINDINGS –

1. The proposal will reduce the level of existing noncompliance.
2. The proposal will reduce the nonconformity of the structure on lot 826 by increasing the setback from encroaching over the property line to having a five (5') foot setback from the property line.
3. The added note on the plat that all property lines are subject to a 10' utility easement and the 15' utility easement across the front of both properties will bring the lots more into compliance with section 16.27.12(K) & (L).
4. The subject properties are two developed lots that are approximately 1 acre in size.
5. The subject property is in the Mountain Zone (M).
6. There is Good Cause for the amendment because it is not anticipated that the proposed action would affect the neighboring landowners negatively due to no physical changes to either lot. No public roads or easements are being affected by the proposed plat amendment and the amendment will bring the lots into greater compliance with the current County ordinance.
7. No public or private roads are being vacated as part of this plat amendment.
8. 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 a condition.
9. The proposal is consistent with Utah Code §17-27a-609.
10. Notice has been provided in compliance with state and local laws.

– CONDITIONS –

1. 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– Survey of lot 825 8

Exhibit C– Existing Subdivision Plat 9

Exhibit D – Proposed Amended Plat 10

Exhibit E – DRC Report 11

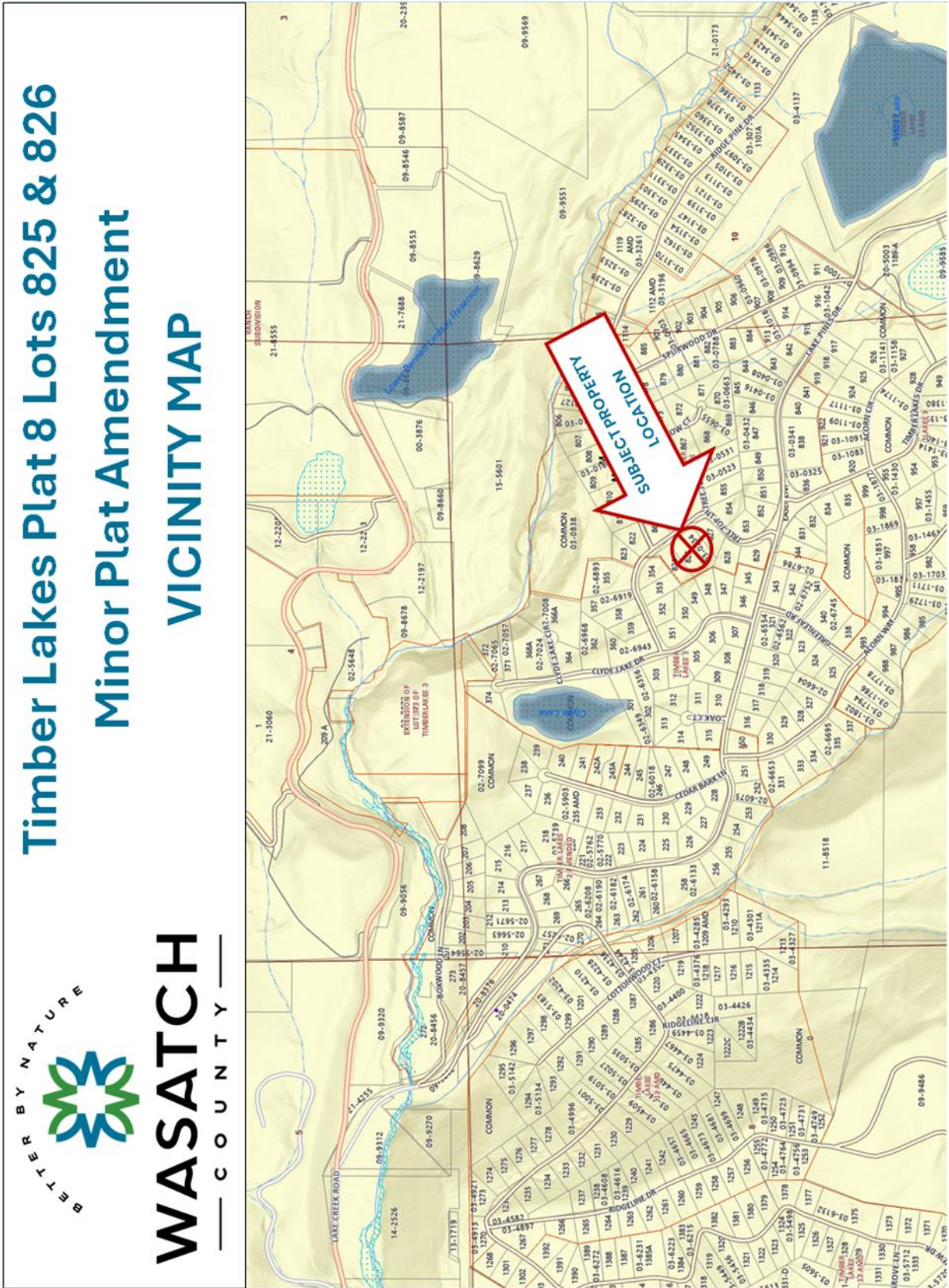


Exhibit B – Survey of Lot 825

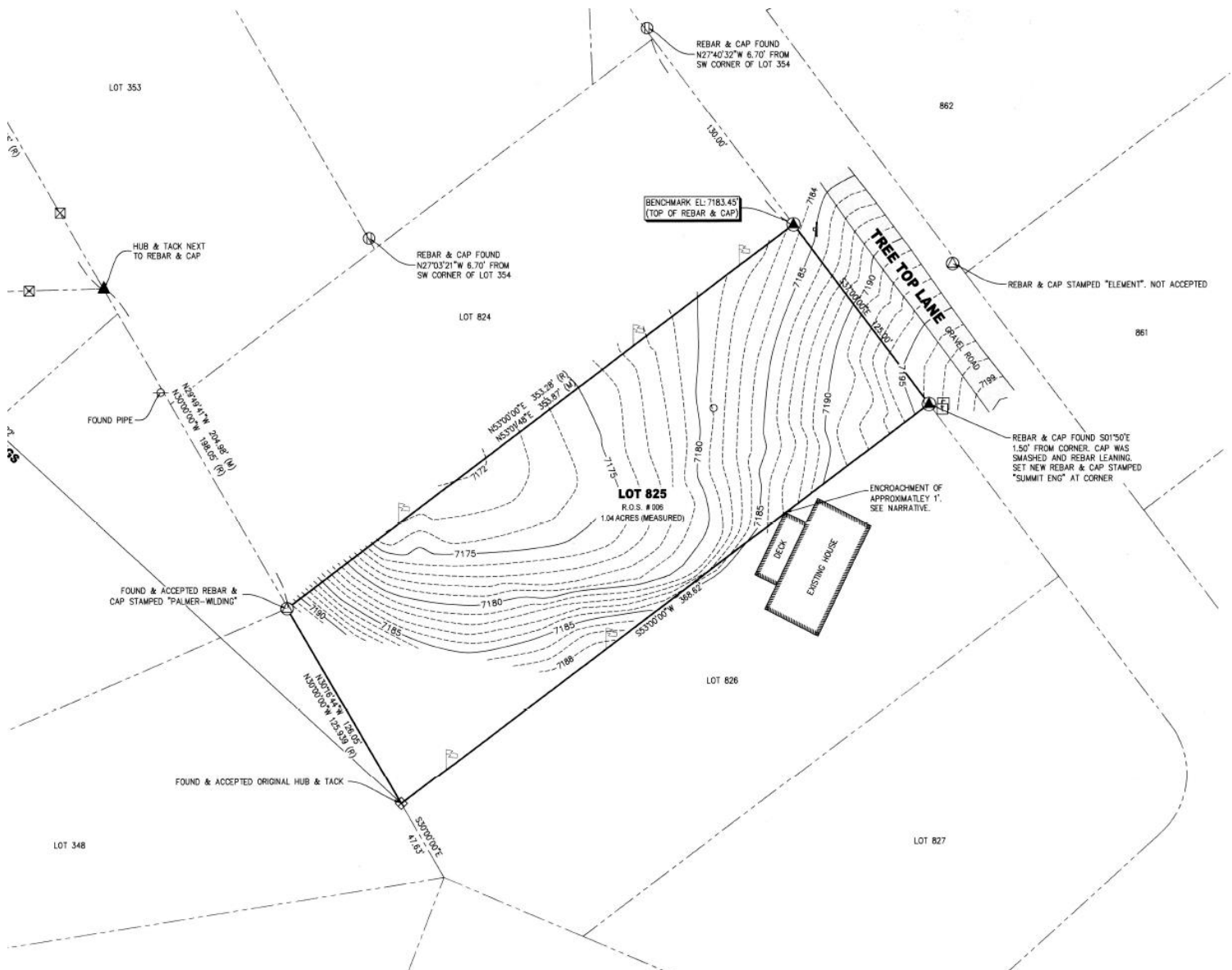


Exhibit E – DRC Report



Wasatch County DESIGN REVIEW COMMITTEE (DRC) COMMENTS

PROJECT ID: DEV-10298
PROJECT NAME: PLAT AM - TIMBER LAKES 825-826 PLAT
AMENDMENT
VESTING DATE: 1/24/2025
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
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

DRC Project Comments		
Comment ID	Entity	Comment
FIRE-App-1	SSD - Fire SSD Approval	Access must meet Wasatch Fire Districts Single Family Dwelling and Fire Code Requirements

PROJECT DOCUMENT SHEET COMMENTS BY REVIEWING ENTITY

DRC - Recorder Office		
Comment ID	Sheet Name	Comment
DRC-REC1	02b - Amended Plat	COA: Could you please list what Trent Petersen's title is for Aspen Custom Homes. ie; Manager, Partner, President etc.