



Brighton Estates Plat 1 Lots 74 and 77

Project: DEV-12092
Report Date: 30 March 2026
Report Author:
Council Action Required: No
Type of Action: Administrative
Applicant: Lincoln Calder

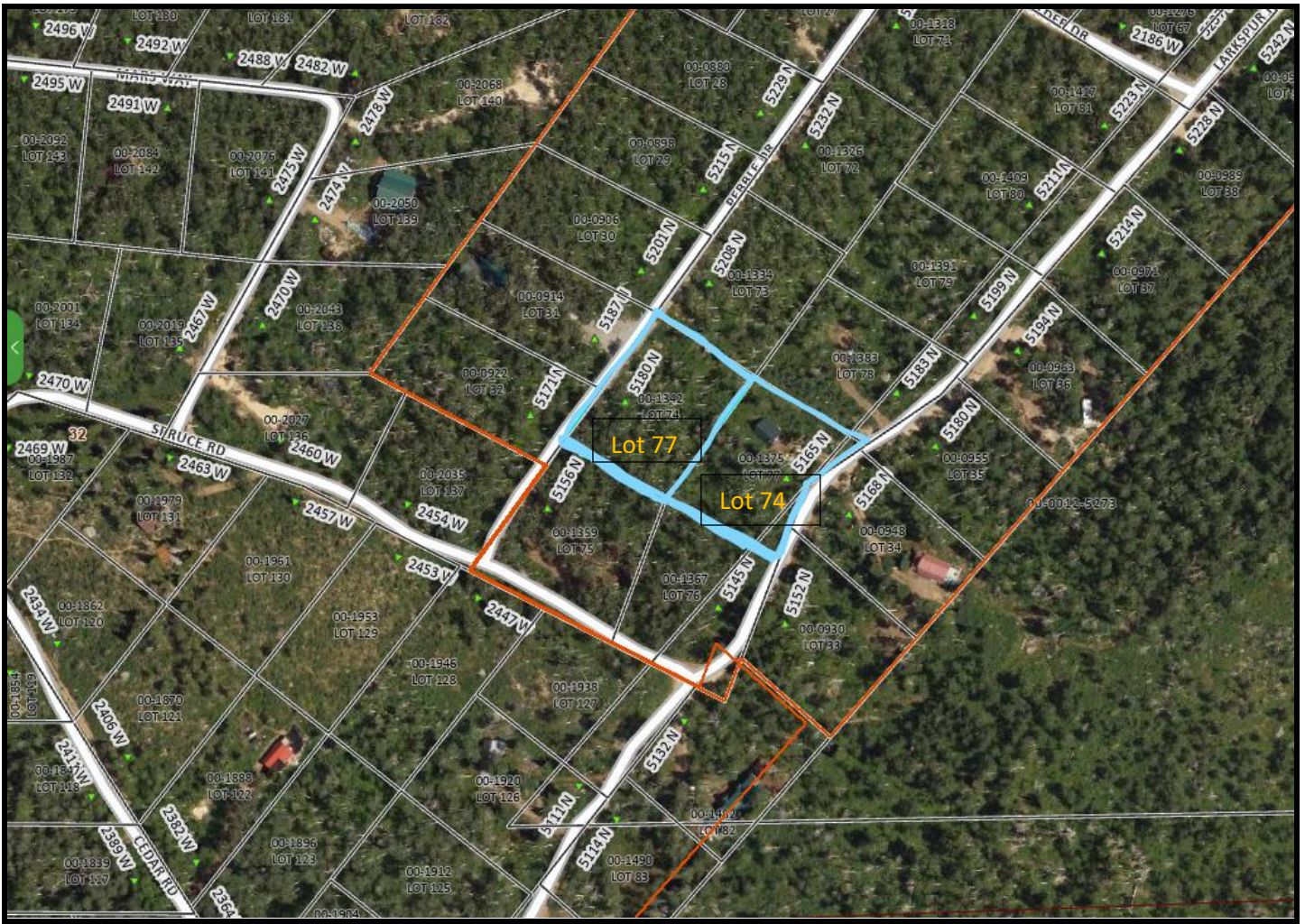
Address: 5165 Larkspur Road
Zone: Mountain (M)
Existing Plat: 81 lots
Proposed Amendment: Eliminate lot line between Lots 74 and 77 to combine them, increasing lot size

DETERMINATION ISSUE

Whether or not the proposed minor plat amendment to adjust the lot line and extend the boundary of the subdivision 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 (ALUC).

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

Brighton Estates Plat 1 was recorded in August 1964. The applicant is seeking to adjust the lot line between lots 74 and 77, which abut each other on their rear property lines, to extend the space to build onto the currently existing home on lot 74. The lot owner of the two lots is the same. The proposed amendment will bring the property more into compliance by increasing the acreage and getting closer to the current zone requirements. The property is located at 5165 Larkspur Road in the Mountain Zone (M). The two lots are both approximately 0.46 acres in size. The County Assessor’s Office shows the house on Lot 74 being built in 1969. The reason the plat amendment is being requested is due to the property owner’s desire to extend its buildable space for the existing home.

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 underlying M (Mountain) zoning district which requires 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 the 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 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. 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 or 30' from the edge of the right-of-way, whichever is greater and;
- The minimum side yard setbacks are 12' and;
- The rear yard setback requirement is 30'.

– UTILITY EASEMENTS –

The original plat from 1964 does not include a required utility easement at the time of approval. The Wasatch County ordinance has since established that utility easements of 15' along the front and 10' along the side property lines are required in section 16.27.12(K) & (L). The proposed plat amendment includes designations for these easements. This addition on the plat will bring the proposed lot more into compliance with section 16.27.12(K) & (L).

– 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 the lot by increasing the size of the property and providing established utility easements that will allow the home and lot to be more in compliance with current zoning codes. 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.

– PUBLIC RIGHT-OF-WAY OR EASEMENTS –

The proposed easements will be in compliance with current county code.

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 Brighton Estates Plat 1 Lots 74 and 77 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 of the lot.
2. The added note on the plat that there will be a 15' utility easement across the front of the property and 10' easements along the sides and rear in compliance with section 16.27.12(K) & (L).
3. The subject properties are two lots approximately 0.4 acres in size
4. The proposed amendment would eliminate one lot by combining it with the other lot. The one lot will then be about 0.92 acres in size and will have the name Brighton Estates No.1 Lot 77 Amended.
5. The subject property is in the Mountain Zone (M).
6. There is Good Cause for the amendment because it increases conformity with the zone's acreage requirements and adds required public utility easements.
7. The easements will meet county standards
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. Any changes required by the DRC will be required to be made.

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 Map 7

Exhibit B– Record of Survey 8

Exhibit C– Existing Subdivision Plat..... 9

Exhibit D – Proposed Amended Plat 10

Exhibit E – DRC Report 11

Exhibit A – Vicinity Map

Brighton Estates Plat 1 Lots 74 and 77 Vicinity Map



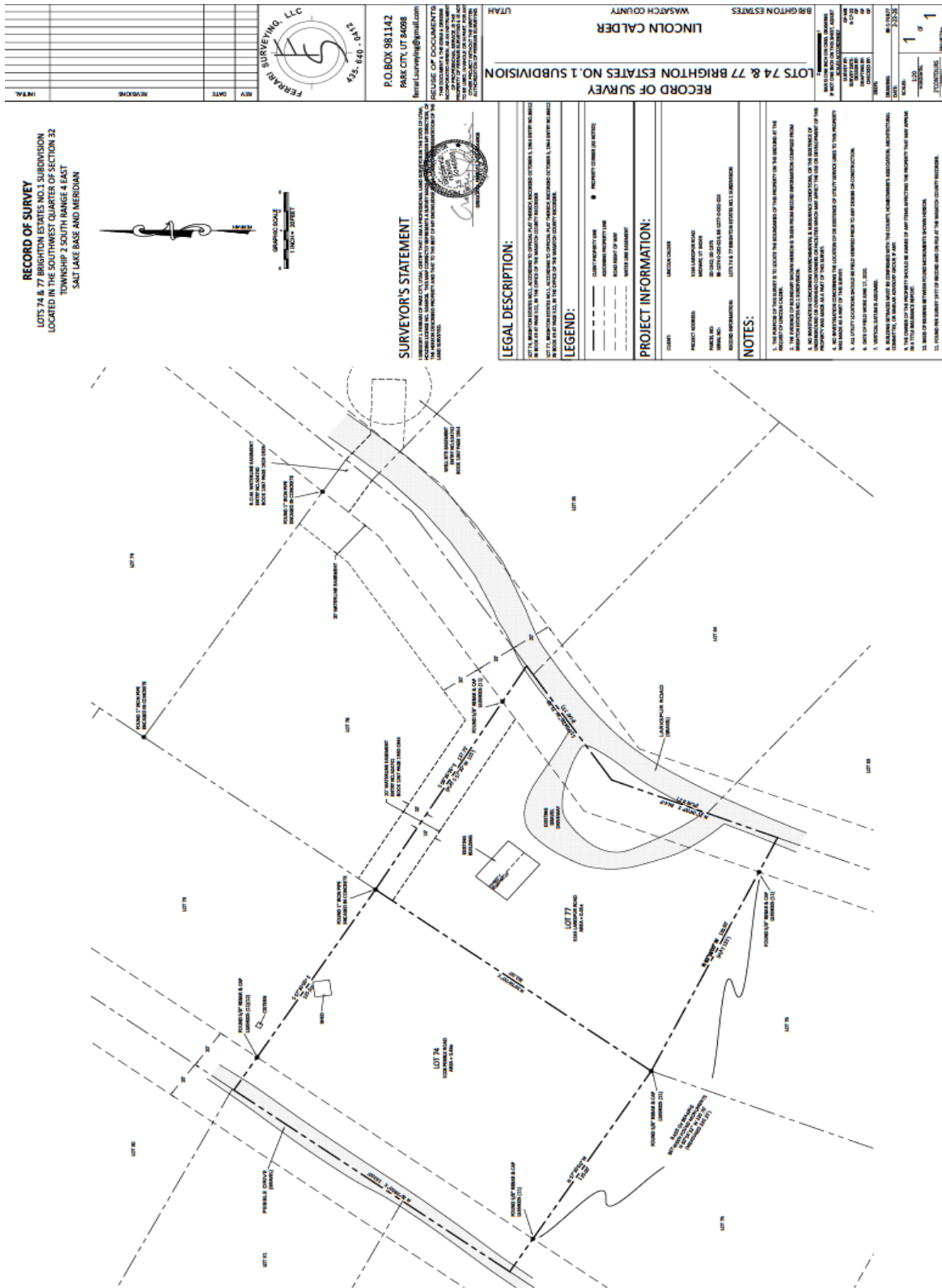


Exhibit C – Existing Subdivision Plat

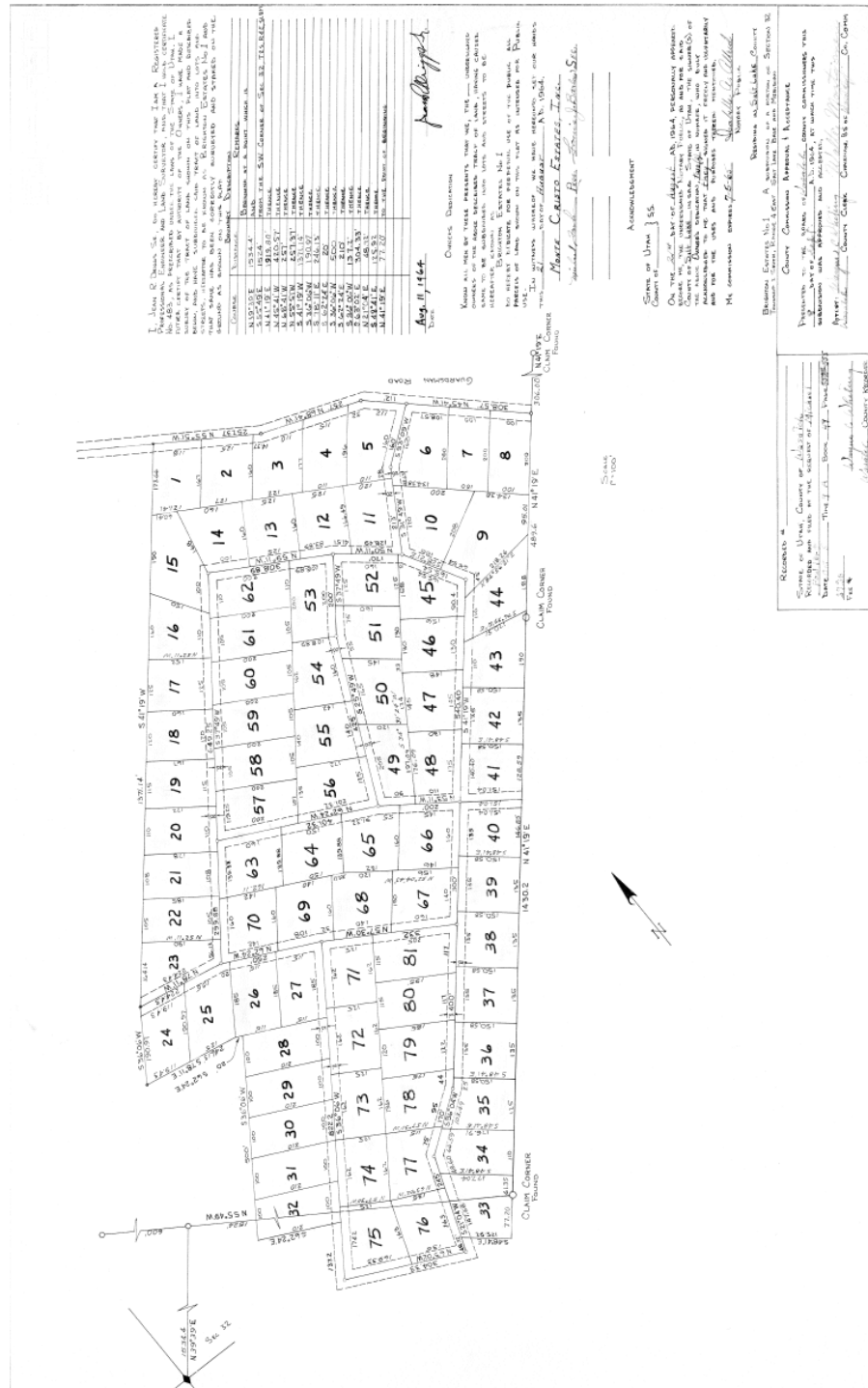


Exhibit E – DRC Report



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

PROJECT ID: DEV-12092
PROJECT NAME: PLAT AM - LINCOLN CALDER
VESTING DATE: 3/3/2026
REVIEW CYCLE #: 3

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

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.