



EAGLE MOUNTAIN CITY
City Council Staff Report

JUNE 16, 2015

Project: **Eagle Mountain Benches/Eagle Mountain Ranches - Rezone**
Applicant: Jeff & Karen Scott
Request: Rezone land from Agriculture to Residential and Commercial Storage
Type of Action: Public Hearing; Action Item

Planning Commission

The Planning Commission recommended approval of the Residential rezone for the Eagle Mountain Benches/Ranches. Vote 5-0 Recommended Conditions of Approval 1) Lot size minimum of 1 acre or larger 2) No residential lots on the land restricted by the power and gas corridor.

The Planning Commission recommends that the City Council deny the Commercial Storage rezone. Vote 5-0.

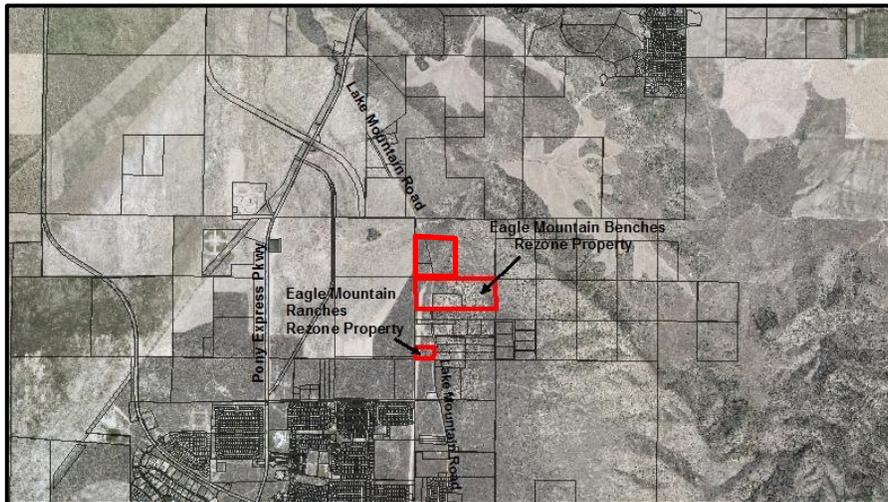
Location

There are two separate pieces of property proposed to be rezoned, the properties are both located along Lake Mountain Road one about the middle of Lake Mountain and the other ¼ mile farther south.

Proposal

The applicant is proposing rezoning approximately 101.62 acres of land currently zoned agricultural to residential.

There is also a small portion that is being proposed as a Commercial Storage zone (lots 134 to 139 on concept Plan). Included in this application is a concept plan for a proposed residential development. The residential portion of the rezone complies with the City's Future Land Use General Plan. The General Plan land use designation for this area is Rural Residential which requires lots of a ½-acre minimum. All of the lots in this proposed concept plan are 1 acre or larger. The Commercial Storage portion for rezone does not comply with the General Plan.

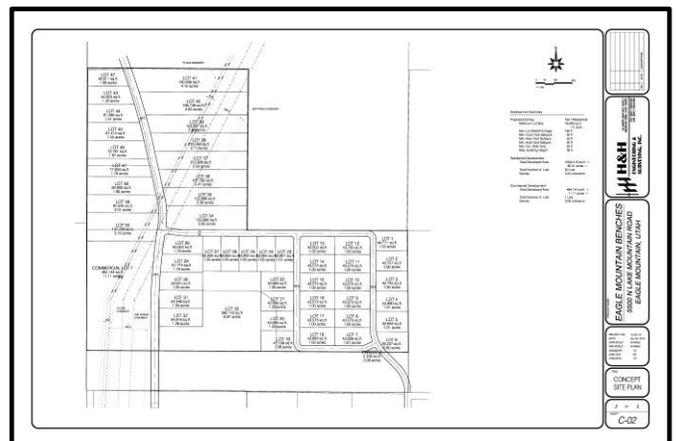


The proposed concept plan for Eagle Mountain Benches currently includes the following:

- 56 Total lots
- Average Lot Size is 1.6 ac in size
- The Density is .55 units/acre

The proposed concept plan for Eagle Mountain Ranches (not shown in an exhibit) currently includes the following:

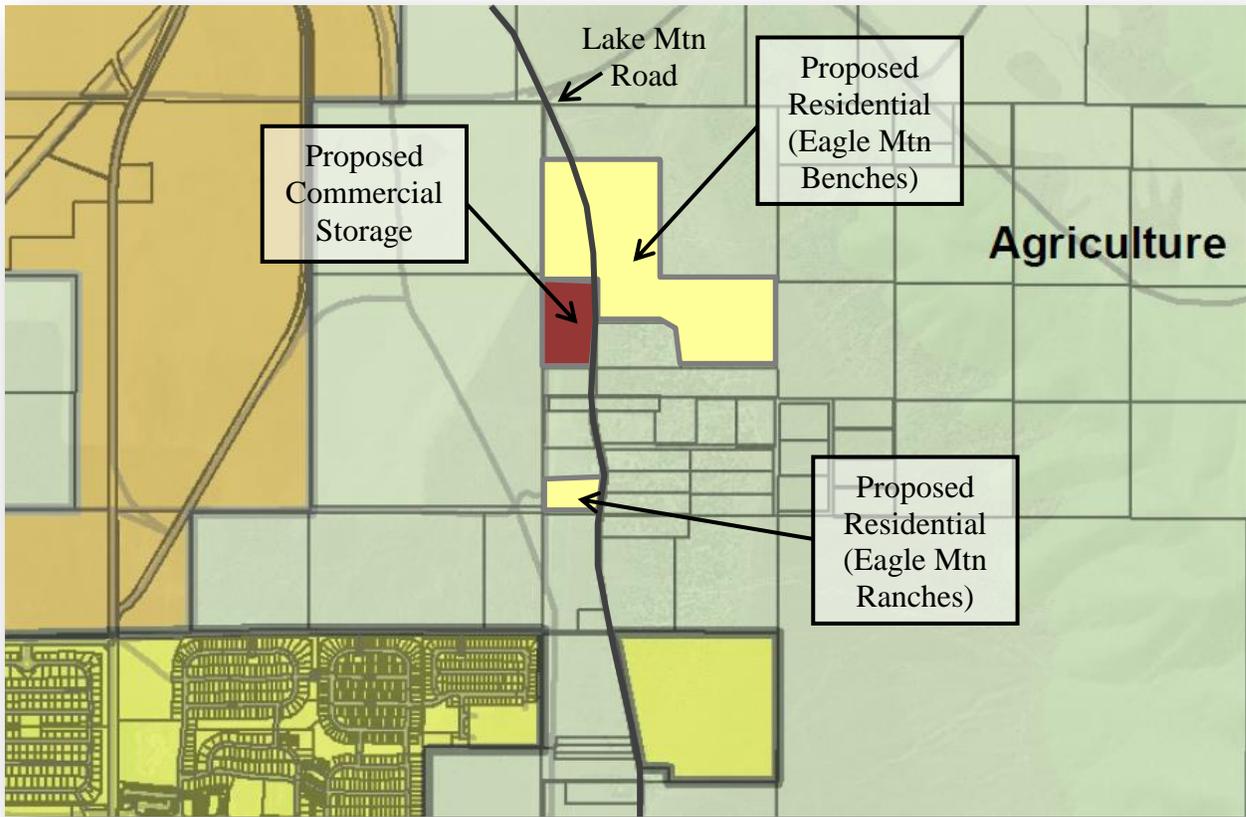
- 3 Total lots
- Average Lot Size is 1.8 ac in size



Surrounding Zoning

North: Agriculture
East: Agriculture
South: Agriculture
West: Agriculture

*It is important to note that all of the land within Eagle Mountain City that has not been previously rezoned for development is zoned Agriculture. This does not mean that all Agriculturally zoned properties are in active agricultural use.



Rezone Criteria for Approval

The rezoning of property does not require the Planning Commission or the City Council to take action based upon findings of facts. The decision made by the Planning Commission and the City Council is considered valid by the courts if it is reasonably debatable that the action could promote the general welfare. Rezone proposals are evaluated using the following criteria:

- A. Compliance with Future Land Use Plan (General Plan). The residential portion of the rezone complies with the City's Future Land Use Plan which designates the area as Rural Residential. The Commercial Storage rezone does not comply and would require a General Plan Amendment.
- B. Compatibility Determination. At this time the surrounding property is all zoned agriculture. The proposed residential zone would be compatible with the future proposed uses of the surrounding land and could be considered to be fairly compatible with the existing uses. The proposed commercial storage zone would not be compatible with the residential or agricultural uses. The 5.5-acre Eagle Mountain Ranches property is located immediately adjacent to existing homes on 5-acre lots. The property is also located fairly close to a future

major arterial road (to be located to the southwest). These conditions should all be considered in the decision.

- C. Buffering of Incompatible Uses. The Commercial Storage area seems to be incompatible to the proposed residential and the existing agricultural uses. If approved, a commercial storage project would be required to have a buffer width of 20 feet that contains trees, ground cover, wall or fence, and berming. The City Code requires that a transition of lot sizes (starting with 1 acre lots) be placed adjacent to agricultural lots that have been subdivided for the purpose of building. Although the adjacent properties have not been subdivided for this purpose, this proposed plan consists of 1 acre lots.

Noteworthy Items / Items to Consider

1. Regional Trail. A regional trail is planned within the power line corridor, which crosses portions of this property.
2. Power Line and Gas Line Corridor. This property is considered unbuildable, and will restrict the uses and layout of lots in this project. Certain restrictions are also placed on the property by PacifiCorp, Kern River Gas, and the City.
3. Commercial Storage Zone. Once the property is rezoned, the permitted and conditional uses within that zone must be considered by the Planning Commission and City Council, and must be approved if all development code standards are met. Permitted and Conditional Uses for this zone include:
 - a. Public and private utility structures or facilities;
 - b. Public and private utility equipment and inventory storage, fenced or enclosed;
 - c. Fully enclosed commercial storage of equipment and inventory;
 - d. Fenced or unfenced outdoor storage of commercial equipment and inventory;
 - e. Outdoor storage/parking of recreational vehicles, trailers, boats, and similar vehicles;
 - f. Self-storage or mini-storage units;
 - g. Small office uses associated with storage.

Unbuildable Land

Due to this project's location, there are portions of the project that are considered "unbuildable land." City Code addresses this:

17.25.100 Unbuildable lands

In considering the layout of any development in the city, the developer shall conform to the following restrictions with respect to environmentally sensitive lands or lands that are unsuitable for development. No construction may occur in areas that have slopes in excess of 25 percent, land restricted by power lines, canyons and washes, streams, high volume floodplains, alluvial discharge areas, storm drain retention/detention areas, floodplains and floodways, geologically sensitive areas that require special engineering considerations for safe habitation, and wetlands.

Development Codes

It is important to note that a rezone does not guarantee approval for development. The applicant or developer still must comply with all of the development standards and requirements found in the City Code, and all requirements of the Fire Codes, including improvement and paving of Lake Mountain Road from the nearest paved road and construction of public roads that meet City standards.

Possible Motions

The following motions are provided for the benefit of the City Council. They may be read as the motions or referenced when making motions.

If you, the City Council, feel that the proposed rezones comply with the rezone criteria found in the City Code (and in this report), and that it is reasonably debatable that this rezone could promote the general welfare, then the following motion is appropriate:

I move that the City Council approve the proposed Eagle Mountain Benches and Eagle Mountain Ranches Rezone application with the following conditions:

- 1. The lot size minimum for the proposed rezone is 1 acre or larger.*
- 2. Approval of the Commercial Storage rezone is contingent on the approval of an amendment to the City's General Plan.*

If you, the City Council, feel that the proposed rezone does not comply with the rezone criteria found in the City Code (and in this report), and that it is reasonably debatable that this rezone would not promote the general welfare, then the following motion is appropriate:

I move that the City Council deny the proposed Eagle Mountain Benches and Eagle Mountain Ranches Rezone application for the following reasons...

You may also recommend approval of only the areas of the proposed rezone that you feel comply with the rezone criteria, and recommend denial of the others.

I move that the City Council approve the portion of _____ for the proposed Eagle Mountain Benches and Eagle Mountain Ranches Rezone application, and recommend denial of _____ of the proposed rezone for the following reasons...

Attachments: Concept Plan