



## EAGLE MOUNTAIN CITY City Council Staff Report

FEBRUARY 16, 2016

*Project:* **Eagle Mountain Benches - Rezone**  
*Applicant:* Jeff & Karen Scott  
*Request:* Rezone land from Agriculture to Residential  
*Type of Action:* Public Hearing; Recommendation to the City Council

---

### **Planning Commission**

The Planning Commission recommended approval of the rezone by a vote of 3-0. The Planning Commission was concerned that all of the lots are accessible and buildable. Since the Planning Commission meeting the applicant has submitted a revised plan that shows where the buildable area is on the questionable lots. The revised plan also shows the redesign of the lots surrounding the power line corridor. It is worthy to note that the submitted plan is a concept plan and has not received any approvals.

### **Background**

This project originally came before the Planning Commission on June 9<sup>th</sup> 2015. It included a concept plan of residential and commercial storage components. At that time the Planning Commission recommended approval for the residential portion of the rezone and recommended to deny the commercial storage portion. The rezone went before the City Council and was denied. The applicant reapplied with an adjusted proposal dropping the commercial storage component and not submitting a concept plan with the proposal. This rezone went before the Planning Commission on August 25<sup>th</sup> 2015, Planning Commission tabled the item so City Council, administration and staff could review and discuss the future of Lake Mountain Road. The rezone was brought back to the Planning Commission on October 27<sup>th</sup> 2015 the Planning Commission recommended approval to the City Council. The City Council could not come to agreement on an acceptable approval so the rezone was denied.

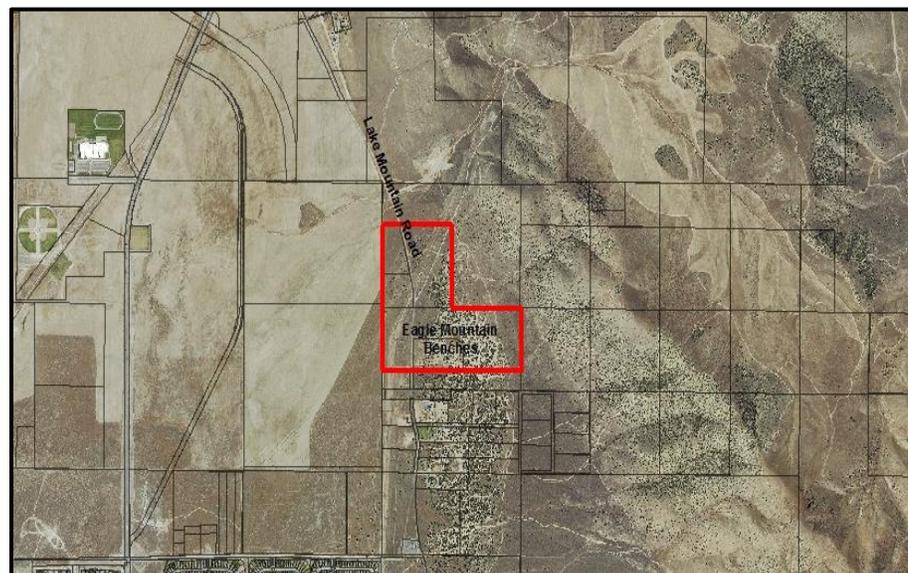
This is a new rezone application requesting a rezone of property from agricultural to residential. The proposal includes a concept plan consisting of 63 lots 1 acre or larger in size. Lot 43 in the concept plan is to remain agricultural.

### **Location**

The property is located along Lake Mountain Road east of Pony Express Pkwy.

### **Proposal**

The applicant is proposing rezoning approximately 101.62 acres+ of land currently zoned agricultural to residential. The proposal is for residential zoning with lots of 1 acre or more. The



residential zoning complies with the City's Future Land Use General Plan. The General Plan land use designation for this area is Rural Residential.

### ***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 rezone complies with the City's Future Land Use Plan which designates the area as Rural Residential.
- 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 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. Surrounding uses include the Friends in Need Animal Sanctuary, existing homes on 5 acre lots, and vacant agriculturally zoned property.

### **Noteworthy Items / Items to Consider**

1. Regional Trail. A regional trail is planned within the power line corridor, which crosses portions of this property. Discussion of construction of the trail and dedication of the property would take place during the future platting process.
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. Lake Mountain Road. The City Council designated that Lake Mountain Road will be a rural residential road and as development along Lake Mountain Road occurs each development will be required to pave its portion of the road.

### **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 Code, including improvement and paving of Lake Mountain Road from the nearest paved road and construction of public roads that meet City standards.

**Attachments:** Concept Plan.

**ORDINANCE NO. O- -2016**

**AN ORDINANCE OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, UTAH  
REZONING CERTAIN LANDS REFERRED TO AS  
EAGLE MOUNTAIN BENCHES**

*PREAMBLE*

The City Council of Eagle Mountain City, Utah, finds that it is in the public interest to amend the zoning of certain areas within the City, commonly referred to as Eagle Mountain Benches, as set forth more specifically on Exhibit A.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required notices and hearings have been completed as required by law to consider and approve the rezoning of the Eagle Mountain Benches area as set forth on Exhibit A.
2. The lands depicted and described on Exhibit A are hereby rezoned to the density and uses as set forth more specifically on Exhibit A.
3. This Ordinance shall take effect upon its first publication or posting.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 16<sup>th</sup> day of February, 2016.

EAGLE MOUNTAIN CITY, UTAH

---

Chris Pengra, Mayor

ATTEST:

---

Fionnuala B. Kofoed, MMC  
City Recorder

## CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City on this 16<sup>th</sup> day of February, 2016.

Those voting aye:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

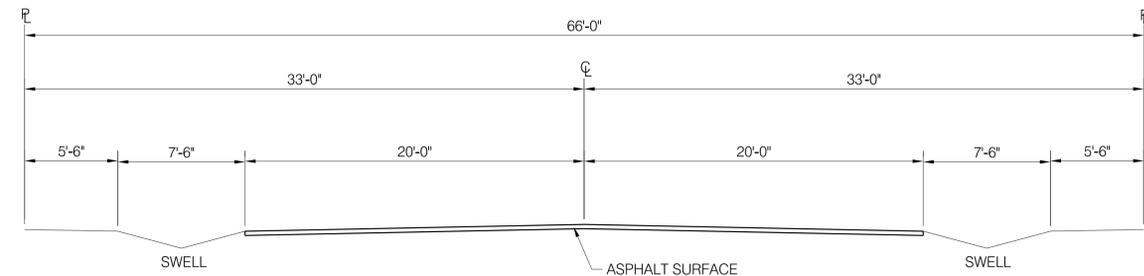
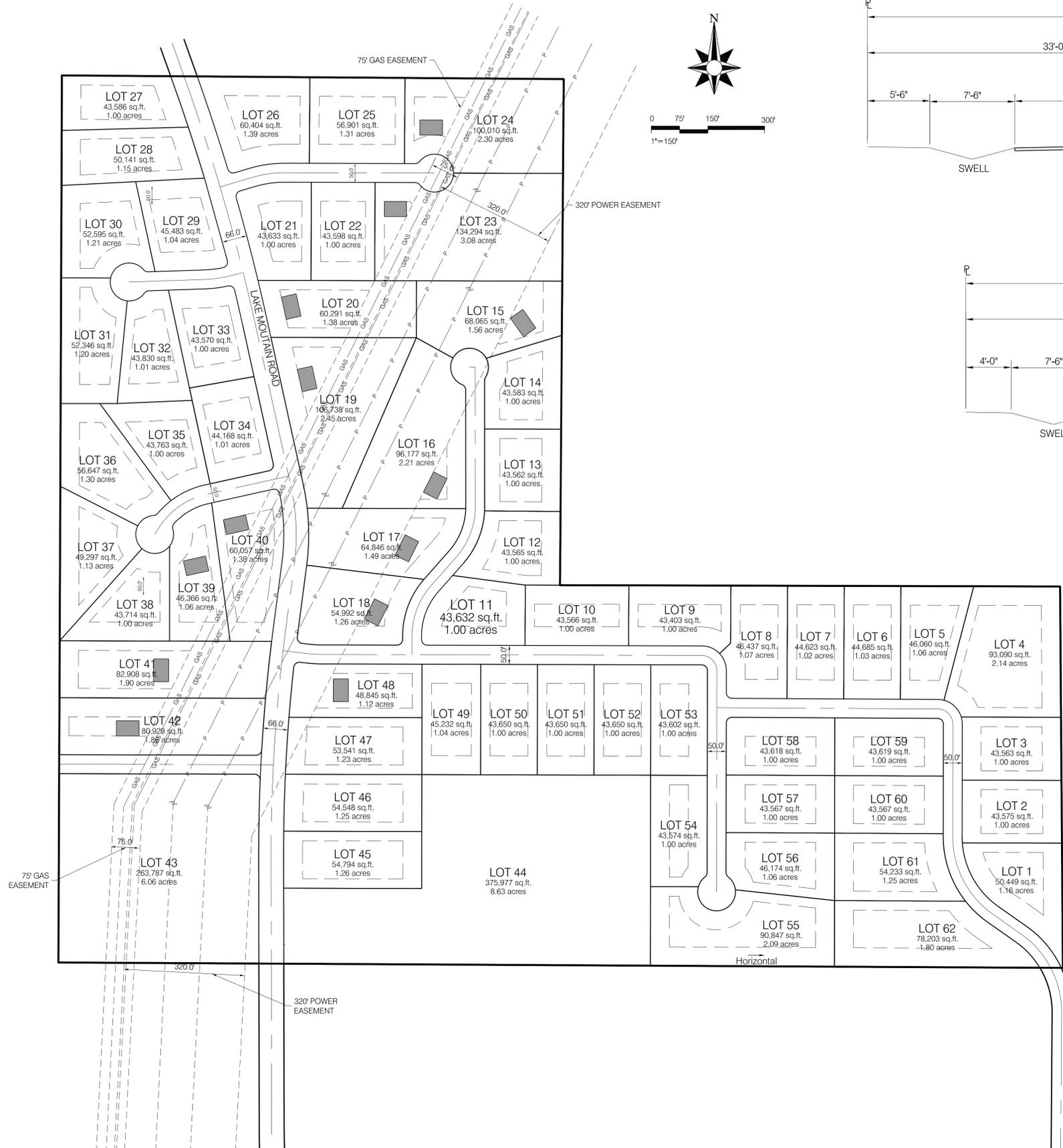
Those voting nay:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

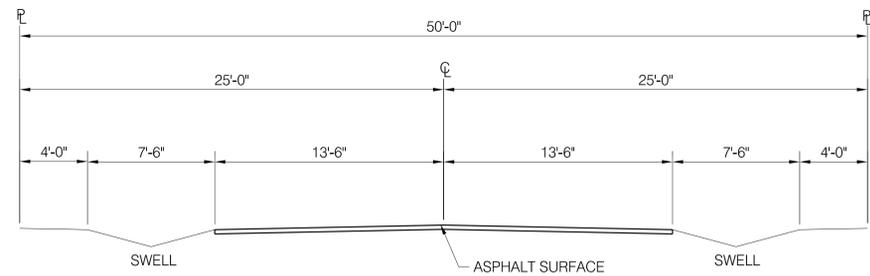
---

Fionnuala B. Kofoed, MMC  
City Recorder

# EXHIBIT A



PROPOSED 66' MINOR COLLECTOR SECTION  
SECTION SCALE 1"=5'



PROPOSED 50' RURAL STREET SECTION  
SECTION SCALE 1"=5'

Development Summary

Proposed Zoning:	Tier I Residential
Minimum Lot Size	43,560 sq.ft. 1.0 acre
Min. Lot Width/Frontage	150 ft.
Min. Front Yard Setback	50 ft.
Min. Rear Yard Setback	50 ft.
Min. Side Yard Setback	50 ft.
Min. Cor. Side Yard	50 ft.
Max. Building Height	35 ft.
Residential Development:	
Total Developed Area	4,426,560 sq.ft. +- 101.62 acres +-
Total Number of Lots	63 Lots
Density	0.62 lots/acre
Lot Size Summary:	
Minimum Lot Size	43,373 sf
Maximum Lot Size	375,977 sf
Average Lot Size	63,054 sf
Median Lot Size	46,326 sf

NO.	DATE	DESCRIPTION
6	12-15-15	Revised Concept Layout
5	10-09-15	Revised Concept Layout
4	07-09-15	Revised Concept Layout
3	06-26-15	Revised Concept Layout
2	06-05-15	Revised Concept Layout
1	04-27-15	Revised Concept Layout

42 NORTH 200 EAST, SUITE 1  
AMERICAN FORK, UTAH 84003  
TEL: (801) 756-2488  
FAX: (801) 756-3499

**H&H**  
ENGINEERING &  
SURVEYING, INC.

PROJECT NAME:  
**EAGLE MOUNTAIN BENCHES**  
5500 N LAKE MOUNTAIN ROAD  
EAGLE MOUNTAIN, UTAH

PROJECT NO:	15-457-01
DATE:	Jan 29, 2016
HOR SCALE:	As Noted
VER SCALE:	As Noted
ENGINEER:	VH
DRAFTED:	BS
CHECKED:	VH

TITLE  
**CONCEPT  
SITE PLAN**

2 OF 3  
SHEET  
**C-02**