



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

August 13, 2024, 5:30 PM
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Robert Fox, Rod Hess, Brent Strong, Craig Whiting, and Alternate Commissioner Bryan Free.

ELECTED OFFICIALS PRESENT: Councilmember Brett Wright, Liaison to the Planning Commission.

CITY STAFF PRESENT: Brandon Larsen; Planning Director; Marcus Draper, City Attorney; Robert Hobbs, Senior Planner; Elizabeth Fewkes, Planner; Ashley Swensen, Planner; and Lianne Pengra, Chief Deputy Recorder.

5:30 P.M. EAGLE MOUNTAIN CITY PLANNING COMMISSION WORK SESSION

Commissioner Allen called the meeting to order at 5:30 PM.

1. DISCUSSION ITEMS

1.A. Rezoning of Property – Training for Planning Commissioners

Utah Code Annotated § 10-9a-302(6)(b) requires the City to ensure that each member of the Planning Commission completes four hours of annual land use training. Planning Director Brandon Larsen led a discussion about the procedures and requirements for the rezoning of property found in Chapter 17.90 of the Eagle Mountain Municipal Code.

Commissioner Allen adjourned the work session at 6:07 PM.

6:30 P.M. EAGLE MOUNTAIN CITY PLANNING COMMISSION POLICY SESSION

2. CALL TO ORDER

Commissioner Allen called the meeting to order at 6:30 PM.

3. PLEDGE OF ALLEGIANCE

Commissioner Allen led the Pledge of Allegiance.

4. DECLARATION OF CONFLICTS OF INTEREST

Commissioner Whiting stated he recently represented a client who purchased in the Towns and Brylee Farms subdivision and wished to abstain from the vote, but still participate in the discussion.

5. MINUTES

5.A. July 9, 2024 Planning Commission Minutes

MOTION: *Commissioner Fox moved to approve the minutes. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting – Alternate

The motion passed with a unanimous vote.

5.B. July 23, 2024 Planning Commission Minutes

MOTION: *Commissioner Hess moved to approve the minutes. Commissioner Strong seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Abstain
Bryan Free	Yes

The motion passed with a unanimous vote.

6. STATUS REPORT

Planning Director Brandon Larsen reviewed the planning items discussed and voted upon during the previous City Council meeting.

7. ACTION AND ADVISORY ITEMS

7.A. DISCUSSION – Cedar Corners Phase 5 Concept Plan

Planner Steven Lehmitz presented the item, and applicant representative Eric Yergensen with Tamarak Homes addressed the Planning Commission regarding the item. This property, Utah County Parcel Number 59:007:0092, was originally part of the Cedar Corners residential development. The preliminary plat for the project was approved on January 16, 2007, and showed this section being subdivided into 7 lots. The rest of the project has been completed as originally approved. The applicant is seeking feedback on a proposal to rezone the property to the RC zone, thus allowing 7 lots to be constructed.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

7.B. ACTION ITEM/PUBLIC HEARING – Ellis Property Lot Split

Planner Steven Lehmitz presented the item. The proposed lot split for 1812 N. Lake Mountain Road, Utah County Parcel Number 59:029:0014, will create two lots of approximately five acres each.

Commissioner Allen opened the public hearing at 6:49 PM. As there were no comments, he closed the public hearing.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

MOTION: *Commissioner Whiting moved to approve the Ellis Lot Split as presented. Commissioner Strong seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

7.C. ACTION ITEM/PUBLIC HEARING – Berry Family Rezone

Planner Steven Lehmitz presented the item. The proposal includes a rezone for a 7.3-acre parcel located along Pole Canyon Boulevard between the Triumph and Scarlet Ridge master developments, Utah County Parcel Number 59:019:0015, from Agriculture to Foothill Residential.

Commissioner Allen opened the public hearing at 6:54 PM. As there were no comments, he closed the public hearing.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

MOTION: *Commissioner Allen moved to table the Berry Family Rezone until a General Plan Amendment application has been submitted. Commissioner Strong seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

7.D. ACTION ITEM/PUBLIC HEARING – Towns at Brylee Farms Development Agreement

Planner Steven Lehmitz presented the item, and applicant representative Ross Holliday addressed the Planning Commission regarding the item. Brylee Estates/Farms is located at the northwest corner of Eagle Mountain Boulevard and Aviator Avenue. The Brylee Estates Phase B preliminary plat, (all townhomes) was originally approved on July 16, 2019, and was amended on January 5, 2021. The purpose of the amendment was to move and increase open space/park amenities between both Phase A (single-family) and Phase B. There were two final plats approved and recorded within Phase B, with Plat 1 being approved on September 29, 2020, and Plat 2 on July 21, 2021. The approved amenities have been constructed in both Phase A and B. The preliminary plat has since expired, and an extension was never requested by the applicant.

Commissioner Allen opened the public hearing at 6:59 PM. As there were no comments, he closed the public hearing.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

MOTION: *Commissioner Fox moved to recommend approval to the City Council of the Towns at Brylee Farms Development Agreement. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes

Rod Hess	No
Brent Strong	Yes
Craig Whiting	Abstain
Bryan Free	Yes

The motion passed with a vote of 4:1.

7.E. ACTION ITEM/PUBLIC HEARING – Enyo Battery Rezone

Senior Planner Robert Hobbs presented the item, and applicant representative Christine Giordano addressed the Planning Commission regarding the item. The proposal is to rezone Utah County Parcel Number 59:068:0004, comprising approximately 160 acres of land, from its base Airpark Zone to the Agricultural (Ag) Zone. The property is owned by Land Mountain Land Co. LLC. The parcel is located at the south/southwest end of the city at the southeast intersection of N. 500 East and E. 100 North, and within the NW ¼ of Section 35, T6S, R2W.

Commissioner Allen opened the public hearing at 7:17 PM.

Fairfield Town Mayor Hollie McKinney urged the Planning Commission to consider adopting a battery storage development code.

Bettina Cameron spoke regarding energy production and storage throughout Utah.

Commissioner Allen closed the public hearing at 7:23 PM.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

MOTION: ***Commissioner Hess moved to recommend approval to the City Council of the Enyo Battery Rezone, with a recommendation that the City Council consider codes that would address and define private utilities within the City. Commissioner Allen seconded the motion.***

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

7.F. ACTION ITEM/PUBLIC HEARING – Eagle Mountain Properties Rezone

Planning Director Robert Hobbs presented the item. The proposal includes zoning and future land use map amendments for properties within and about the Eagle Mountain Properties master development plan. Approximately 3,989.60 acres of land are included in the re-entitlement proposal. Utah County Parcel Numbers 59:045:0045, 59:045:0006 and 42:050:0002 are excluded from consideration at the August 13, 2024, Planning Commission meeting owing to a clerical noticing error. The proposed changes are part of a City-wide effort, where appropriate, to assign properties land use zones/districts that are currently codified and administered by the City. Amendments to the City's Future Land Use Map are also proposed in an effort to help harmonize the proposed zone map amendments with the "Future Land Use & Transportation Map."

Commissioner Allen opened the public hearing at 8:02 PM.

The following individuals spoke during the public hearing: Ryan Taylor with Upland Capitol, Chad Rawlins, Bettina Cameron, Fairfield Mayor Hollie McKinney, Erin Wells, and Chad Ellis. Mike Mylorie submitted a comment via email. Please see the attached Report of Action for details regarding the public hearing comments.

Commissioner Allen closed the public hearing at 8:21 PM.

Tomas Romney addressed the Planning Commission regarding properties within the proposed rezone area that he currently represents.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

MOTION: *Commissioner Allen moved to recommend approval to the City Council of the Eagle Mountain Properties with the following designations:*

<i>Property #</i>	<i>General Plan Category</i>	<i>Zone</i>	<i>Property #</i>	<i>General Plan Category</i>	<i>Zone</i>
1	CC	CN	17	Business Park/ Light Industry	Industrial
2	AG/RD2	RD1	18	EXCLUDED	EXCLUDED
3	Parks and Open Space	AG	19	AG/RD1	RA1
4	Parks and Open Space	AG	20	Business Park/ Light Industry	LMD
5	Parks and Open Space	AG	21	CC	CC
6	Parks and Open Space	AG	22	Business Park/ Light Industry, Parks and Open Space	AG
7	Foothill Residential	AG	23	CC	CC
8	Foothill Residential/ Parks and Open Space	AG	24	CC	CN
9	Foothill Residential	AG	25	CC	CN
10	Foothill Residential/ Parks and Open Space	AG	26	CC	CN
11	CC	CC	27	CC	CN
12	Business Park/ Light Industry	LMD	28	CC	CC
13	Parks and Open Space	AG	29	EXCLUDED	EXCLUDED
14	AG/RD2	RD1	30	EXCLUDED	EXCLUDED
15	AG/RD2	RD1	31	EXCLUDED	EXCLUDED
16	Business Park/ Light Industry	AG			

Commissioner Strong seconded the motion.

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

8. DISCUSSION ITEMS

9. NEXT SCHEDULED MEETING

The next Planning Commission meeting is scheduled for August 27, 2024.

10. ADJOURNMENT

MOTION: *Commissioner Strong moved to adjourn the meeting at 9:33 PM. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

The meeting was adjourned at 9:33 PM.

Approved by the Planning Commission on August 27, 2024.

Brandon Larsen

Brandon Larsen
Planning Director

Eagle Mountain City

Planning Commission

Report of Action

August 13, 2024

ITEM #7A This property (Parcel No. 59:007:0092) was originally part of the Cedar Corners residential development. The preliminary plat for the project was approved on January 16, 2007, and showed this section being subdivided into 7 lots. The rest of the project has been completed as originally approved. The applicant is seeking feedback on a proposal to rezone the property to the RC zone, thus allowing 7 lots to be constructed. After meeting with staff, it was determined that the applicant would complete a half-width road across the south end of their property and the adjacent park. Steven Lehmitz, 801-789-6617, slehmitz@emcity.org, CNCP-24-7

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 13, 2024:

CONCEPT PLAN

Motion By: N/A

Second By: N/A

Votes in Favor of Motion: N/A

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

N/A

RELATED ACTIONS

N/A

PROPOSED OCCUPANCY

- 7 Total Units
- Type of occupancy proposed: Single Family

PROPOSED PARKING

N/A

DEVELOPMENT AGREEMENT

N/A

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

There are remaining notes from the Development Review Committee (DRC) review that need to be considered.

- Utilities should be installed in the road;
- Minimum required road width/drivable surface for roadways serving residential units with fire hydrants is 26';
- Lot frontages to vary per RC zone; and
- The City is open to having the road improvements go across the south end of the adjacent park.

CONCERNS RAISED BY PUBLIC

None

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The applicant, in response to questions asked by Commissioners, stated that they have had the property for a few years and are now ready to build. Also, they were unaware of any past plans to develop the site.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- It was verified that the site would have the proper access for development, meaning the proposed road would be constructed along the south end of the adjacent park; and
- No concerns were raised.

Brandon Larsen

Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



Eagle Mountain City

Planning Commission

Report of Action

August 13, 2024

ITEM #7B Chad Ellis requests Planning Commission review and approval of a lot-split proposal for 1812 N. Lake Mountain Road, creating two lots of about five acres each. Parcel Number(s): 59:029:0014. Steven Lehmitz 801-789-6617 slehmitz@emcity.org LOTS-24-1

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 13, 2024:

APPROVAL

On a vote of 5:0, the Planning Commission approved the Ellis Property Lot Split application.

Motion By: Craig Whiting (**to Approve**)

Second By: Brent Stong

Votes in Favor of Motion: Jason Allen, Brent Strong, Rod Hess, Craig Whiting, and Robert Fox.

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR PROPERTY TO BE SPLIT

The property to be split is described in the attached Exhibit A.

RELATED ACTIONS

N/A

PROPOSED OCCUPANCY

Currently one single family house exists. The split allows the potential for one additional single-family unit.

PROPOSED PARKING

N/A

DEVELOPMENT AGREEMENT

N/A

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

None

CONCERNS RAISED BY PUBLIC

None

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The applicant stated that existing fences would be adjusted to match the proposed split

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Planning Commissioners verified the size of the new lots and whether current site improvements had to be adjusted to reflect the proposed boundary

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision:

- The approval criteria presented in EMMC 16.45.050 had all been met.

Brandon Larsen

Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

Ellis North Parcel

Beginning at a point which is the Northeast corner of the described Woolsey property, as deeded, which point being South 89°47'07" East 1325.336 feet along the North line of Section 30, Township 6 South, Range 1 West, Salt Lake Base and Meridian to the NE Corner of the NW ¼ of the NE ¼ of said Section 30 and South 00°07'27" West 676.113 feet along the 1/16th line from North Quarter Corner of said Section 30 and running South 00°07'27" West along said 1/16th line 328.256 feet; thence North 89°28'08" West 688.025 feet to the East line of the Lake Mountain Road (a 50 foot wide Eagle Mountain City Road); thence along the East line of said Lake Mountain Road the following three (3) calls: 1) North 00°31'52" East 76.915 feet; 2) North 01°46'24" East 126.820 feet; 3) North 03°41'55" east 121.46 feet to the extended South line of the Wolfgang Franz property; thence South 89°44'42" East along the South line of said Franz property 676.241 feet to the point of beginning.

Contains: 223409.481 Sq. Ft.

5.1287 Acres

Ellis South Parcel

Beginning at a point South 89°47'07" East 1325.336 feet along the North line of Section 30, Township 6 South, Range 1 West, Salt Lake Base and Meridian to the NE Corner of the NW ¼ of the NE ¼ of said Section 30 and South 00°07'27" West 1004.369 feet along the 1/16th line from North Quarter Corner of said Section 30 and running South 00°07'27" West along said 1/16th line 333.008 feet to the SE Corner of the NW ¼ of the NE ¼ of said Section 30; thence North 89°40'56" West along the 1/16th line 639.301 feet to the East line of the Lake Mountain Road (a 50 foot wide Eagle Mountain City Road); thence along the East line of said Lake Mountain Road the following four (4) calls: 1) North 22°02'46" West 43.898 feet; 2) North 11°18'34" West 123.850 feet; 3) North 03°32'14" West 124.430 feet; 4) North 00°31'32" East 76.915 feet; thence South 89°28'08" East 688.025 feet to the point of beginning.

Contains: 225501.004 Sq. Ft.

5.17679 Acres



Eagle Mountain City

Planning Commission

Report of Action

August 13, 2024

ITEM #7C Zane Berry requests a positive recommendation on a proposal to rezone parcel number 59:019:0015 from Agriculture to Foothill Residential of the 7.3-acre parcel located along Pole Canyon Boulevard and between the Triumph and Scarlet Ridge master developments. Steven Lehmitz 801-789-6617 slehmitz@emcity.org RZN-24-1

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 13, 2024:

TABLED

On a vote of 5:0, the Planning Commission voted to table the request until an application to amend the General Plan's Future Land Use Map had been submitted to Staff.

Motion By: Jason Allen (**to Table**)

Second By: Brent Strong

Votes in Favor of Motion: Brent Strong, Rod Hess, Craig Whiting, Robert Fox, and Jason Allen

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the Foothill Residential Zone is described in the attached Exhibit A.

RELATED ACTIONS

N/A

PROPOSED OCCUPANCY

N/A

PROPOSED PARKING

N/A

DEVELOPMENT AGREEMENT

N/A

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

None

CONCERNS RAISED BY PUBLIC

None

APPLICANT RESPONSE

None

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- It was clarified that that the Future Land Use Map shows the property in question as Agricultural/Rural Density 2 and that the Foothill Residential zone is not compatible with that General Plan category;
- City Attorney, Marcus Draper, stated that it would be a good idea to table the item and request that the applicant submit an application to amend the Future Land Use Map in the General Plan.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- The proposed rezone to Foothill Residential conflicts with the General Plan.

Brandon Larsen

Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

COM S 1.35 FT & E 946.75 FT FR N 1/4 COR. SEC. 19, T6S, R1W, SLB&M.; S 89 DEG 55' 14" E 370.64 FT; S 0 DEG 5' 25" W 827.87 FT; N 89 DEG 56' 3" W 398.07 FT; N 1 DEG 59' 17" E 828.43 FT TO BEG. AREA 7.305 AC.

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

None

CONCERNS RAISED BY PUBLIC

None

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The applicant expressed their desire to have the project effectually reinstated to allow them to complete it as originally planned.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- It was established that a certain percentage of the garages (40 out of 113 units) would be larger (600 sq. ft.). This point is included in the proposed development agreement;
- Commissioner Whiting noted that the prior phases of the project already include some of these larger garages. If the City does require a wider width for the garages (22'), there will be units lost, increasing HOA fees across the development.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- Commissioner Hess expressed that the issue of the preliminary plat expiring could have been avoided;
- Commissioner Allen restated his opinion from June 25, that he was okay with the development agreement, thus allowing the project to continue.

Brandon Larsen

Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit "A"

NE1/4 OF SEC 35, T 6 S, R 2 W, SLM. AREA 160 ACRES.

Eagle Mountain City

Planning Commission

Report of Action

August 13, 2024

ITEM #7 ~~DE~~ A proposal to rezone tax parcel 59:068:0004 comprising ~160 acres of land from its base Airpark Zone to the Agricultural (Ag) Zone (owned by Land Mountain Land Co. LLC); the parcel is located at the south/southwest end of the city at the southeast intersection of N. 500 east and E. 100 North Streets and within the NW ¼ of Section 35, T6S, R2W. Rob Hobbs, rhobbs@emcity.org

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 13, 2024:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the City Council approve the above-noted application.

Motion By: Rod Hess (to Recommend Approval)

Second By: Jason Allen

Votes in Favor of Motion: Robert Fox, Rod Hess, Jason Allen, Brent Strong, and Craig Whiting

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR PROPERTY

The property to be rezoned to the Ag Zone is described in the attached Exhibit A.

RELATED ACTIONS

N/A

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

There are not, at this time, issues from the Development Review Committee (DRC) review that need to be resolved aside from Fire Department concerns, to be addressed during site plan review.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing include(d) the following:

- Propriety of proposed future, adjunct/possible accessory solar farms
- Battery storage code passed by Fairfield (as noted by their Mayor) but Eagle Mountain does not have that kind of code in its adopted ordinances
- Application is for the battery storage facility only, not other attendant or related accessory uses (gas, solar etc.) on the same property or outboard of the property as shown on the concept site plan provided by Enyo
- Safety of storage of batteries; note that the Fire Dept. has looked at the use already and are in conversation with the developer regarding appropriate safety measures and equipment for the intended property use
- Timing and type of site improvements (including road access/improvements)

APPLICANT RESPONSE

Key points addressed in the applicant's presentation and/or rebuttal to the Planning Commission included the following:

- Enyo's representative, attorney Christine Giordano, concurred with the Staff report's findings and Staff verbal presentation. She did not have a chance to respond to public testimony.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Propriety of proposed future, adjunct/possible accessory solar farms related to the proposed property use
- Obtaining a copy of the battery storage code passed by Fairfield and reviewing the same for possible inclusion (in whole or in part) into the city's municipal code
- Re-affirmed that the project proposal is/was for the battery storage only with no other attendant or accessory uses (gas, solar etc.) shown on the concept site plan being proposed at this time
- Safety of storage of batteries; note that the Fire Dept. has looked at the use already and are in conversation with the developer regarding safety measures
- Required site and site infrastructure improvements (including road access & improvements, utilities, parking and landscaping, etc.) will be represented on forthcoming site plan application materials pertinent to the project. Installation or build-out of the same will occur post site plan and building permit review and approval

Brandon Larsen

Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit "A"

NE1/4 OF SEC 35, T 6 S, R 2 W, SLM. AREA 160 ACRES.



Eagle Mountain City

Planning Commission

Report of Action

August 13, 2024

ITEM #7F Planning Commission review of varying proposed zoning and future land use map amendments for properties within and about the Eagle Mountain Properties MDP. Approximately 3,989.60 acres of land are included in the re-entitlement proposal. Parcels 59:045:0045, 59:045:0006 and 42:050:0002 are excluded from consideration at the August 13, 2024, Planning Commission meeting owing to a clerical noticing error. The proposed changes are part of a city-wide effort, where appropriate, to assign properties land use zones/districts that are currently codified and administered by the city. Amendments to the City's Future Land Use Map are also proposed in an effort to help harmonize the proposed zone map amendments with the "Future Land Use & Transportation Map." Robert Hobbs and Brandon Larsen (801) 789-6708 blarsen@emcity.org

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 13, 2024:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above-noted application.

Motion By: Jason Allen (**to Recommend Approval**)

Second By: Brent Strong

Votes in Favor of Motion: Rod Hess, Robert Fox, Craig Whiting, Jason Allen, and Brent Strong

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

EXHIBIT A -- LIST OF EAGLE MOUNTAIN PROPERTIES PROPOSED TO BE REZONED

The properties proposed to be rezoned are described in the attached Exhibit A.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENT ISSUES

None have been raised.

CONCERNS RAISED BY PUBLIC AT PLANNING COMMISSION PUBLIC HEARING

- Ryan Taylor with Upland Capital who owns Parcel 21 (see Exhibit A), along with Chad Rawlins, tenant of the property, requested a zoning designation for Parcel 21 similar to the expired zoning for the property, which was the C-2 Zone.
- Bettina Cameron, resident of Cedar Pass Ranch, requested Ms. Tiffany Walden and Eagle Mountain City consider a land swap with the BLM and the Eagle Mountain Nature Wildlife Alliance for Lot 13 – near Wiley Canyon. She said this property is part of the Eagle Mountain migration corridor. Instead of just throwing an agricultural zone arbitrarily on the property, let us see if we can get a permanent fix. Ms. Cameron stated that she feels strongly this effort is essentially a band aid. When you just affix an agricultural zone or designation to the property, you open pandora's box. You think it is a placeholder, but it opens door for uses like "data." She expressed concerns with the list of properties to be rezoned, which was prepared by staff. Ms. Cameron identified an error on the future land use designation for Parcel 6 on the previously mentioned list. She feels there are too many inadequacies with the list prepared by staff for the Planning Commission to make a good recommendation. It needs to be double-checked that it is correct.
- Mayor McKinney, Fairfield City, expressed a desire to be kept abreast of rezone and other land use proposals and efforts, so Fairfield City can adequately prepare for or avoid impacts. The land uses and decisions made by either by Eagle Mountain City or Fairfield impact the other city. She would like to coordinate on general plan efforts.
- Erin Wells, requested RD1 zoning for Parcel 2 on the list of proposed rezones.
- Chair Allen, summarized comments from Mike Mylroie, who submitted comments via email. He urged the City to keep the vicinity around his home rural with bigger lots. He apparently lives across the street from the previously mentioned Parcel 2.
- Chad Ellis, property owner in the City, asked about the rezone proposals around Parcel 14. Chair Allen stated that it appears the proposed zoning would be residential.

PROPERTY OWNER PRESENTATION

- Thomas Romney, representative for Tiffany Walden and her related property ownership entities (Walden Properties), presented their vision for the Walden Properties that lie on the eastern side of the City (this collection of properties has commonly been called the Bench). He expressed a desire to come to the table with the City and coordinate efforts to make sure all parties' interests are considered. In his presentation, he presented numerous amenities and developments they would like to develop on their properties. Thomas requested consideration of the property be tabled.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Chair Allen, stated the City has gone above the notice requirements to make sure citizens have the ability to give input.
- The Planning Commission discussed each parcel on the list one by one and recommended a future land use map designation and zone.
- The Planning Commission chose to not delay making a recommendation on Eagle Mountain Properties parcels, except for Parcels 18, 29-31. An independent rezone application for just Parcel 18 has been submitted, so it does not need to be considered in the subject application. Parcels 29-31 will be considered with the proposed rezones/future land use map amendments for the Ranches properties that will be coming to the Planning Commission on August 27, 2024.

Brandon Larsen

Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the

Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

See following pages

Exhibit to Formal Initiation of Process to Rezone Property Letter

Rezoning of Properties Jul-24

Property Owner	Property #	Acreage	Existing Future Land Use Map (General Plan) Category	MDA/Current Zone	Proposed Future Land Use Map (General Plan) Category	Proposed Zone	City Code Citation for Proposed Zone (EMMC = Eagle Mountain Municipal Code)	Planning Commission Recommended GP Category	Planning Commission Recommended Zone
----------------	------------	---------	--	------------------	--	---------------	---	---	--------------------------------------

Eagle Mountain Properties List

1	WALDEN ESTATE LLLP, MONTE VISTA RANCH LC	59:044:0092	13.7	Neighborhood Residential 1	Eagle Mountain Properties/Commercial C-1	Community Commercial	CN	EMMC 17.35	CC	CN
2	LAKE MOUNTAIN DEVELOPMENT LLC	59:007:0026	64.9	Agricultural/Residential Density 2	Eagle Mountain Properties/Residential	No Change	RD2	EMMC 17.25	AG/RD2	RD1
3	LAKE MOUNTAIN DEVELOPMENT LLC	59:018:0032	10.8	Parks and Open Space	Eagle Mountain Properties/Parks and Open Space	No Change	AG	EMMC 17.20	Parks and Open Space	AG
4	LAKE MOUNTAIN DEVELOPMENT LLC	59:018:0040	21.0	Parks and Open Space	Eagle Mountain Properties/Parks and Open Space	No Change	AG	EMMC 17.20	Parks and Open Space	AG
5	LAKE MOUNTAIN DEVELOPMENT LLC	59:018:0038	7.0	Parks and Open Space	Eagle Mountain Properties/Parks and Open Space	No Change	AG	EMMC 17.20	Parks and Open Space	AG
6	MONTE VISTA RANCH LC	59:008:0006	35.7	Parks and Open Space	Eagle Mountain Properties/Mixed-Use Residential/Commercial	No Change	AG	EMMC 17.20	Parks and Open Space	AG
7	MONTE VISTA RANCH LC	59:017:0003	422.7	Foothill Residential	Ault Farms/Parks and Open Space	No Change	FR/AG	EMMC 17.20 / EMMC 17.25	Foothill Residential	AG

Exhibit to Formal Initiation of Process to Rezone Property Letter

Rezoning of Properties

Jul-24

	Property Owner	Property #	Acreage	Existing Future Land Use Map (General Plan) Category	MDA/Current Zone	Proposed Future Land Use Map (General Plan) Category	Proposed Zone	City Code Citation for Proposed Zone (EMMC = Eagle Mountain Municipal Code)	Planning Commission Recommended GP Category	Planning Commission Recommended Zone
8	MONTE VISTA RANCH LC	59:020:0008	111.2	Foothill Residential & Parks and Open Space (2x tiny sections)	Ault Farms/Mixed-Use Residential/Commercial	No Change	FR/AG	EMMC 17.20 / EMMC 17.25	Foothill Residential/Parks and Open Space	AG
9	MONTE VISTA RANCH LC	59:020:0001	202.8	Foothill Residential	Eagle Mountain Properties/Mixed-Use Residential/Commercial	Foothill Residential	FR	EMMC 17.25	Foothill Residential	AG
10	MONTE VISTA RANCH LC	59:028:0004	81.1	Foothill Residential & Parks and Open Space	Eagle Mountain Properties/Mixed-Use Residential/Commercial	No Change	FR/AG	EMMC 17.20 / EMMC 17.25	Foothill Residential/Parks and Open Space	AG
11	MONTE VISTA RANCH LC	59:056:0037	90.8	Community Commercial	Eagle Mountain Properties/Commercial C-1 (along road) & Residential	Business Park/Light Industry	LMD/AG	EMMC 17.20 / EMMC 17.37	CC	CC
12	MONTE VISTA RANCH LC	59:019:0008	106.9	Community Commercial & Business Park/Light Industry & Neighborhood Residential One	Eagle Mountain Properties/Residential & Parks and Open Space	Business Park/Light Industry	LMD and/or Industrial	EMMC 17.37 / EMMC 17.40	Business Park/Light Industry	LMD
13	MONTE VISTA RANCH LC	59:027:0001	269.3	Parks and Open Space	Eagle Mountain Properties/Mixed-Use Residential/Commercial	No Change	AG	EMMC 17.20	Parks and Open Space	AG
14	MONTE VISTA RANCH LC	59:029:0003 (4 pieces)	360.0	Community Commercial & Business Park/Light Industry	Eagle Mountain Properties & Scarlet Ridge/Commercial C-2 & Residential & Parks and Open Space	No Change	RD1/RD2, AG	EMMC 17.20 / EMMC 17.25	AG/RD2	RD1

Exhibit to Formal Initiation of Process to Rezone Property Letter

Rezoning of Properties

Jul-24

	Property Owner	Property #	Acreage	Existing Future Land Use Map (General Plan) Category	MDA/Current Zone	Proposed Future Land Use Map (General Plan) Category	Proposed Zone	City Code Citation for Proposed Zone (EMMC = Eagle Mountain Municipal Code)	Planning Commission Recommended GP Category	Planning Commission Recommended Zone
15	MONTE VISTA RANCH LC	59:030:0006	380.5	Community Commercial & [mostly] Business Park/Light Industry	Eagle Mountain Properties & Non-MDA/Agricultural & Residential & Parks and Open Space	No Change	RD1/RD2	EMMC 17.25	AG/RD2	RD1
16	UTLCO EAGLE MTN TWO LLC	59:030:0008	228.6	Business Park/Light Industry	Eagle Mountain Properties/Commercial C-2	No Change	LMD and/or Industrial	EMMC 17.37 / EMMC 17.40	Business Park/Light Industry	AG
17	STADION LLC	66:815:0001	458.2	Business Park/Light Industry	Eagle Mountain Properties/Airpark	No Change	LMD and/or Industrial	EMMC 17.37 / EMMC 17.40	Business Park/Light Industry	Industrial
18	LAKE MOUNTAIN LAND CO LLC	59:068:0004	160.0	Business Park/Light Industry	Eagle Mountain Properties/Airpark	No Change	AG	EMMC 17.20		
19	MONTE VISTA RANCH LC	59:084:0002 (2 pieces)	239.5	Business Park/Light Industry & Agricultural/Rural Density 1	Eagle Mountain Properties/Residential & Parks and Open Space	No Change	RA1/RA2, AG	EMMC 17.20 / EMMC 17.25	Agricultural/Rural Density 1	RA1
20	MONTE VISTA RANCH LC	59:056:0043	116.0	Community Commercial & Business Park/Light Industry	Eagle Mountain Properties/Airpark	Business Park/Light Industry	LMD and/or Industrial	EMMC 17.37 / EMMC 17.40	Business Park/Light Industry	LMD
21	RAWLINS, STEVEN CHAD; UPLAND CAPITAL LLC	59:054:0013	35.6	Neighborhood Residential 1	Eagle Mountain Properties/Commercial C-2	No Change	AG	EMMC 17.20	CC	CC

Exhibit to Formal Initiation of Process to Rezone Property Letter

Rezoning of Properties

Jul-24

	Property Owner	Property #	Acreage	Existing Future Land Use Map (General Plan) Category	MDA/Current Zone	Proposed Future Land Use Map (General Plan) Category	Proposed Zone	City Code Citation for Proposed Zone (EMMC = Eagle Mountain Municipal Code)	Planning Commission Recommended GP Category	Planning Commission Recommended Zone
22	UTLCO EAGLE MTN TWO LLC	59:047:0011 (4 pieces)	442.9	Regional Commercial & Business Park/Light Industry & Neighborhood Residential 2 & Neighborhood Residential 1	Eagle Mountain Properties/Commercial C-2 & Residential & Parks and Open Space	Business Park/Light Industry, Parks and Open Space	AG or Industrial	EMMC 17.20 / EMMC 17.40	Business Park/Light Industry, Parks and Open Space	AG
23	MONTE VISTA RANCH LC; WALDEN ESTATE LLLP; ZORBIS ENTERPRISES LLC	59:045:0151	100.5	Community Commercial	Eagle Mountain Properties/Commercial C-2	No Change	CC	EMMC 17.35	CC	CC
24	ZJT MANAGEMENT LLC	59:045:0061	8.3	Neighborhood Residential 1	Eagle Mountain Properties/Commercial C-1 & Residential	No Change	CN	EMMC 17.35	CC	CN
25	ZJT MANAGEMENT LLC	59:045:0060	7.0	Neighborhood Residential 1 & Community Commercial	Eagle Mountain Properties/Commercial C-1 & Residential	No Change	CN	EMMC 17.35	CC	CN
26	MVR MANAGEMENT LLC	59:045:0041	2.0	Community Commercial	Eagle Mountain Properties/Commercial C-1	No Change	CN	EMMC 17.35	CC	CN

Exhibit to Formal Initiation of Process to Rezone Property Letter

Rezoning of Properties

Jul-24

	Property Owner	Property #	Acreage	Existing Future Land Use Map (General Plan) Category	MDA/Current Zone	Proposed Future Land Use Map (General Plan) Category	Proposed Zone	City Code Citation for Proposed Zone (EMMC = Eagle Mountain Municipal Code)	Planning Commission Recommended GP Category	Planning Commission Recommended Zone
27	MVR MANAGEMENT LLC	59:045:0043	7.8	Community Commercial	Eagle Mountain Properties/Commercial C-1	No Change	CN (preferred) or CC	EMMC 17.35	CC	CN
28	MONTE VISTA RANCH LC	59:045:0044	4.8	Community Commercial	Eagle Mountain Properties/Commercial C-1	No Change	CC	EMMC 17.35	CC	CC