



EAGLE MOUNTAIN PLANNING COMMISSION MEETING

July 28, 2020, 5:30 PM

Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 P.M. - Eagle Mountain City Planning Commission Work Session

1. Discussion Items

1.A [DISCUSSION ITEM - Special Use Standards](#)

Discussion on the drafted changes to EMMC 17.75 Standards for Special Uses to include all uses recently approved as permitted special uses in various zoning districts in the city. Also includes drafted changes to EMMC 17.10 Definitions to define all special uses not currently listed in that chapter.

[17.10 Definitions - PROPOSED](#)

[17.75 Standards - PROPOSED](#)

1.B [DISCUSSION ITEM - Master Development Agreement/Plan](#)

A discussion on the Master Development Agreement and Plan process.

1.C [DISCUSSION ITEM - Tier & Bonus Density Language Removal](#)

An update on the Tier & Bonus Density Language being removed from City Code.

[UPDATED...Proposed Tier Language .docx](#)

[Base Density Language.docx](#)

[Bonus Density Language.docx](#)

1.D [DISCUSSION ITEM - Fencing Requirements and Standards](#)

A discussion on EMMC 17.60 as it relates to fencing requirements and standards as they relate to various roadway types.

6:30 P.M. - Eagle Mountain City Planning Commission Policy Session

2. Pledge of Allegiance

3. Declaration of Conflicts of Interest

4. Approval of Meeting Minutes

4.A June 23, 2020 Planning Commission Minutes

[PC Minutes 06.23.2020](#)

- 4.B July 14, 2020 Planning Commission Minutes
[07.14.2020 PC Minutes](#)

5. **Status Report**

6. **Action and Advisory Items**

6.A **PUBLIC HEARING - Hoofbeats to Healing (Rezone and Concept Plan)**

Rezone request and concept plan submission for the proposed Hoofbeats to Healing development, located on the east side of Lake Mountain Road north of 5000 N. The subject property includes 27.37 acres made up for the entirety of parcel 590060047 and a portion of parcel 590060046. The applicant is seeking to rezone the property from Residential to Agricultural with a concept plan for an equine-assisted therapy center.
[Hoofbeats to Healing Concept Plan and Rezone Map](#)

6.B **Rush Creek Development (Concept Plan)**

Concept Plan Review for the Rush Creek Development, located along Eagle Mountain Boulevard, west of Cory Wride Memorial Park.
[Rush Creek Land Use Concept Plan](#)
[Rush Creek Neighborhood Residential One Concept Plan](#)

7. **Discussion Items**

8. **Next scheduled meeting**

9. **Adjournment**

THE PUBLIC IS INVITED TO PARTICIPATE IN PUBLIC MEETINGS FOR ALL AGENDAS.

In accordance with the Americans with Disabilities Act, Eagle Mountain City will make reasonable accommodation for participation in all Public Meetings and Work Sessions. Please call the City Recorder's Office at least 3 working days prior to the meeting at 801-789-6610. This meeting may be held telephonically to allow a member of the public body to participate. This agenda is subject to change with a minimum 24-hour notice.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda notice was posted on this 24th day of July, 2020, on the Eagle Mountain City bulletin boards, the Eagle Mountain City website www.emcity.org, posted to the Utah State public notice website <http://www.utah.gov/pmn/index.html>, and was emailed to at least one newspaper of general circulation within the jurisdiction of the public body.

Fionnuala B. Kofoed, MMC, City Recorder



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 28, 2020**

TITLE:	DISCUSSION ITEM - Special Use Standards		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

PRESENTED BY:

Pete Kane

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[17.10 Definitions - PROPOSED](#)

[17.75 Standards - PROPOSED](#)

PROPOSED AMENDMENT TO EMMC 17.10

Red text = proposed new language

*Items listed below to be added in alphabetic order to 17.10.030

“Animal care service” means a facility providing medical or surgical treatment, clipping, bathing or other services, including incidental boarding to dogs, cats, and other animals.

“Assisted living facility” means a residential facility, licensed by the State of Utah, with a home-like setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services and who have a service plan based on the assessment, which may include: specified services of intermittent nursing care; administration of medication; and support services promoting resident's independence and self-sufficiency. An assisted living facility does not include a residential facility for persons with a disability or an adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

“Car wash” means a facility engaged in cleaning or detailing motor vehicles, including cars, passenger trucks, and recreational vehicles, whether self-service, automatic or by hand. A car wash may be an accessory use to an automobile gas station or convenience store or it may be a principal use on the lot.

“Check cashing and deferred deposit lender” means an organization involved in the providing of loans or consideration to customers in exchange for personal property, such as property titles or personal checks. Such services shall include check cashing businesses licensed and/or defined by the State pursuant to the Check Cashing Registration Act, car title loan businesses, deferred deposit loan businesses, and businesses of a similar nature offering such services as a primary function. The term financial service shall not include fully automated standalone services, such as automated teller machines, nor those used and defined herein as “bank.”

“Communication facility” means a tower or structure used for transmitting a broadcast signal or for receiving a broadcast signal (or other signal) for retransmission.

“Conference center” means a facility designed for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on premises consumption.

“Drive-through service” means a feature or characteristic of a use involving sales or products or provision of services to occupants in vehicles, including drive-in or drive- up windows that allows customers to transact business or receive services or goods while remaining in their motor vehicles

“Garden center” means an establishment for the growing, cultivation, storage, or sale of plants, flowers, trees, shrubs, garden plants, bushes, landscaping materials, or similar plantings, including materials, tools, implements, equipment, and packaged substances for the maintenance and care of such plantings intended for ornamental, garden, or landscaping purposes. Typical uses include greenhouses, plant and

tree nursery, permanent tree lots, and garden supply stores. Typical uses do not include sod farms or storage sites for landscaping materials.

“Meeting center” refers to the definition of “conference center.”

“Outdoor sales and display” refers to a permanent outdoor area used for permanent display of merchandise or goods available for purchase from the business located within a permanent structure.

“Parking garage” means a communal parking structure used primarily for parking and storage of multiple motor vehicles that is either attached to, incorporated into, or detached from the primary structure. This definition does not apply to single-family residential garages.

“Plant and tree nursery” refers to the definition of “garden center.”

“Portable storage” means a container that is either rented or purchased that is specifically designed and manufactured for use as a temporary storage device, not exceeding eight feet (8') in width by forty feet (40') in length or a total enclosed area of three hundred twenty (320) square feet. This definition does not include truck trailers, used semi boxes, or other similar containers that have been modified from a previous use.

“Reception center” means a facility which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations or gatherings. Such a use may or may not include on-site kitchen/catering facilities.

“Residential facility for persons with a disability” means a residence in which more than one person with a disability resides and which is licensed or certified by: the Utah Department of Human Services under Utah Code Annotated title 62A, chapter 2, licensure of programs and facilities; or the Utah Department of Health under Utah Code Annotated title 26, chapter 21, health care facility licensing and inspection act.

“Residential juvenile group home” means a twenty four (24) hours per day group living environment for adolescents under the age of 18, unrelated to an owner or operator, that helps individuals who have emotional, psychological, developmental, or behavioral dysfunctions or impairments to acquire and strengthen the social and behavioral skills necessary to live independently in the community.

“Residential rehabilitation and treatment facility” means a facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, counseling, or educational services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health.

“Sexually oriented business” refers to the definition as provided in EMMC 5.20.

“Shipping container” refers to the definition of “portable storage.”

“Subdivision sales office” means a temporary or permanent structure used in a temporary fashion for the sales activity of properties within an under-construction or recently-completed subdivision.

“Tobacco specialty business” means a retail establishment that derives thirty-five percent (35%) or more of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and

other smoking devices for burning tobacco and related smoking accessories, including e-cigarettes and vapor cigarettes, as defined by the Utah State Code 76-10-101.3, as may be amended from time to time and in which the sale of other products is merely incidental.

“Towing yard” means an establishment engaged in the temporary storage of vehicles that have been towed, carried, hauled or otherwise moved from public or private property for impoundment in a public or private impound yard. This use includes vehicle transport companies engaged in similar activities. This use does not include vehicle rental or sales of new or used vehicles or parts (except for necessary sales of unclaimed impounded vehicles), vehicle repair, automobile wrecking yard, junk or salvage yard, or a freight terminal.

“Vehicle storage” refers to the definition of “towing yard.”

PROPOSED AMENDMENT TO EMMC 17.75

Black text = existing code

Red text = proposed new language

Red text w/ strikethrough = existing language proposed to be removed

Chapter 17.75 STANDARDS FOR SPECIAL USES

17.75.010 What this chapter does.

17.75.020 Purpose.

17.75.030 Applicability.

17.75.040 Residential-related uses.

~~17.75.030 Automobile service station and car wash operations.~~

~~17.75.035 Construction office trailers.~~

~~17.75.040 Temporary subdivision sales offices.~~

17.75.050 Civic-related uses.

17.75.060 Commercial-related uses.

~~17.75.050 Nonresidential adult group care facility or child group day care/preschool center.~~

~~17.75.060 Residential facility for persons with a disability.~~

~~17.75.070 Residential rehabilitation and treatment facility.~~

~~17.75.080 Residential juvenile group homes.~~

17.75.080 Industrial-related uses.

17.75.090 Utility-related uses.

17.75.100 Temporary uses.

17.75.110 Ancillary uses.

~~17.75.090 Storage of commercial vehicles.~~

~~17.75.100 Temporary commercial uses.~~

~~17.75.110~~ 17.75.120 Unbuildable land.

~~17.75.120 Swimming pool, hot tub and spa safety requirements.~~

17.75.010 What this chapter does.

This chapter identifies various supplemental land use provisions applicable to all zoning districts. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.1)].

17.75.020 Purpose.

The purpose of this chapter is to provide supplemental land use provisions that apply to **conditional and special uses** in all zoning districts which are designed to protect and preserve the general health, safety and welfare of the public. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.2)].

17.75.030 Applicability.

In addition to the standards included in this chapter, all other chapters shall apply to the uses as applicable including, but not limited to, EMMC 17.55 Off-Street Parking, 17.56 Outdoor Lighting Standards, 17.60 Landscaping, Buffering, Fencing and Transitioning, 17.62 Ridgeline Protection Standards, 17.90 Sign Regulations and Sign Permits, and 17.100 Site Plan Review.

Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this chapter, the most restrictive shall govern unless enforcement will result in a violation of the federal, state, county or city statutes, codes, or laws.

17.75.040 Residential-related uses.

~~17.75.050 17.75.041 Nonresidential adult~~ **Adult group day** care facility or child group day care/preschool center.

Development or operation of a group day care or preschool center must be approved by the planning commission, and must be found to conform to the following requirements:

A. Nuisance/Threat. It shall not create a nuisance or pose a threat of danger to persons or property on existing or proposed land uses within the vicinity.

B. State Recommendation. It shall receive the approval of the Utah State Department of Social Services.

C. Parking. It shall provide required parking spaces on the site and an adequate pickup and delivery area.

D. Frontage. The site shall have frontage on a street with an existing or proposed right-of-way of 60 feet or greater.

E. Nonresidence. Overnight housing is not permitted. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.5)].

17.75.042 Assisted living facility.

Assisted living facilities may be permitted only where:

A. State Licensing Required. All assisted living facilities shall receive the approval and license from the Utah Department of Human Services.

B. Building Design. All buildings shall comply with the requirements of EMMC 17.72.

C. Building Placement and Orientation. All buildings in the assisted living facility shall front onto a right of way that is accessible to emergency vehicles, unless an alternately appropriate orientation toward an inner courtyard or green space is approved along with a site plan.

D. Site Plan. All assisted living facilities shall be subject to the site plan review process outlined in EMMC 17.100 and have an approved site plan with the following:

- a. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting shall be designed as integrated portions of the total development and shall present a residential character.
- b. Pedestrian and automobile circulation shall flow in a logical manner and integrate neighborhood street connectivity.
 - i. To encourage connectivity, assisted living facilities shall emulate the existing neighborhood street pattern and design and connect to public street networks and adjacent private street networks at all logical points.
 - ii. The project shall be served by an internal pedestrian and automobile system which provides safe and convenient access to each dwelling unit and adequate circulation within the project.
 - iii. Traffic calming measures such as lateral shifts, raised crosswalks, bulb outs, or chicanes shall be incorporated where appropriate.
 - iv. Pedestrian pathways shall be provided between access points, entryways, public gathering nodes, and parking areas. Pedestrian access points shall be installed between the project and the external neighborhood.

E. Residents. No person who is being treated for alcoholism or drug abuse may be placed in an assisted living facility.

~~17.75.060~~ 17.75.043 Residential facility for persons with a disability.

~~A residential facility for persons with a disability is a conditional use in any zoning district where residential dwellings are allowed.~~ “Disability” is defined in Section 57-21-2, Utah Code Annotated 1953.

A. Application. A ~~conditional~~special use application for this use must include the following information:

- a. ~~All application requirements listed in Chapter 17.95 EMMC, Conditional Uses, except the following items: survey; grading, drainage, and erosion plan; lighting plan; traffic impact study; signage plan.~~ Ownership Affidavit. A document detailing all covenants, grants of easement or other deed restrictions applicable to the site and an ownership affidavit shall be submitted.
- b. Vicinity Map. A vicinity map (which can be included on the site plan) showing the general location of the subject parcel.

- c. Context Plan. A context plan including the existing features within 200 feet of the proposed site plan property line. Existing features include, but are not limited to, natural drainages, topography, buildings, ingress and egress points, landscaping areas, pedestrian paths, names of surrounding property owners and their respective locations.
 - d. Site Plan. A site plan is required and must be prepared and stamped by licensed and/or certified professionals.
 - e. Landscaping Plan. A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, sprinkler system plans, existing trees, and showing compliance with the city's off-street parking requirements, the city's design guidelines and policies, and the requirements of the appropriate zoning district.
 - f. Elevations. Elevations of all buildings, fences and other structures viewed from all sides indicating heights of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials. A letter of approval from the applicable architectural review committee must also be submitted.
 - g. The maximum number of residents being proposed.
 - h. A thorough description of the conditions/diagnoses that are requiring these individuals to stay at a group home.
 - i. The number of trained professionals/supervisors that will be on site at a time.
 - j. Any special precautions planned to keep visitors and neighbors safe and nuisance-free.
 - k. A floor plan showing the exact places of residence, restroom facilities, location of office staff, as well as any security measures taken.
 - l. Sufficient information to show compliance with all requirements of this section.
- B. Approval Process. ~~The approval process for a conditional use permit shall follow the process found in Chapter 17.95 EMMC, Conditional Uses.~~ Upon being approved by the ~~planning commission~~city, the operator of the facility shall secure a business license from the city.
- C. A ~~conditional~~special use ~~permit~~ shall be approved by the ~~planning commission~~city based only on compliance with the following requirements (and those of a subsequent section, if applicable):
- a. The group home shall be occupied by no more than eight residents who meet the following criteria as individuals who are disabled or handicapped: having a physical or mental impairment that substantially limits one or more of a person's major life activities. "Persons with a disability" does not include persons diagnosed with kleptomania, pyromania, transvestism, pedophilia, exhibitionism or voyeurism, or any history of sexual or physical assault, not resulting from physical impairments or other disorders.

- b. Occupancy by any paid, professional staff member shall only be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member.
- c. The applicant must verify compliance with all applicable requirements, regulations, and standards of the Utah State Department of Human Services and the owner/operator shall obtain all licenses required by the state to operate such a home.
- d. The group home shall conform to all state and local building, safety, health, and zoning requirements applicable to similar structures.
- e. Separation. No residential group home or facility may be located within a one-mile radius of another existing group home of any type, measured in a straight line from property line to property line.
- f. Nuisance/Threat. It shall not create a nuisance or pose a threat of danger to persons or property on existing or proposed land uses within the vicinity.
- g. Parking. A parking plan and improvement schedule shall be submitted, including a minimum of one parking stall for each resident of the group home in order to properly provide for staff and visitor parking, landscaping to screen the parking areas, and a schedule for completion of the additional parking and landscaping. A pickup and delivery area shall be provided if appropriate. Parking areas shall not be allowed to change the residential character of the property.
- h. The only outdoor signage permitted is a nameplate and address sign no larger than two square feet, and property control signs (no parking, no trespassing, etc.).
- i. The group home shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others. An individualized written assessment of each person who is proposed to become a resident of the group home shall be performed to determine if such person would constitute a direct threat prior to allowing occupancy of the group home by such person. The assessment shall be performed and certified by an independent medical doctor (MD), licensed clinical social worker (LCSW), licensed professional counselor (LPC), licensed psychologist, licensed psychiatrist, licensed substance abuse counselor (LSAC) or nurse practitioner (APRN) that is licensed and approved by the Utah Department of Professional Licensing (or other equivalent licensing board of another state) and certified in mental health counseling. The licensee shall not admit any person who has a history of sexual or physical violence or who may be a threat to themselves or someone else. The licensee shall provide documentation to the Utah Department of Human Services, Office of Licensing, that an individualized assessment has been performed for each resident, and no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others.
- j. The residents must be properly supervised and monitored on a 24-hour basis.
- k. The group home shall be used as a group home without structural or landscaping alterations that would change the structure's residential character. Landscaping shall be established and well-maintained in a manner consistent with the standard of maintenance for yards and landscaping of other homes in the immediate neighborhood.

- l. No person sentenced for a felony crime of possession with intent to distribute a controlled substance, distribution of a controlled substance, a crime involving the use of a weapon, firearm or violence, burglary, unlawful entry, or sexual crimes shall be an occupant or staff member in the group home.
- m. No professional counseling, therapy or other treatment shall be provided in the group home for any person other than a resident or invited guest of the resident of the group home.
- n. The licensee shall maintain and provide sufficient documentation and other evidence reasonably required by the Utah Department of Human Services, Office of Licensing, and will be available for inspection upon request to establish compliance with the requirements of these conditions for use of the premises as a group home. Appropriate authorities and licensing entities shall have the right to inspect appropriate documentation upon request to verify compliance.
- o. The licensee shall at a minimum provide the following information and shall notify the city whenever any of the following information changes:
 - i. The name, address, and telephone number of the licensee or applicant;
 - ii. The name, address, and telephone number of each person who has an interest in the ownership or operation of the group home whether personally or through a partnership, corporation, trust or other entity;
 - iii. Any changes to the group home's policies and procedures manual (including house rules).
- p. The licensee (or designee) shall maintain compliance with the requirements of all conditions under their licensure (including conditional use permit conditions). In addition, upon receipt of notice of a possible violation, the licensee (or designee) shall immediately investigate whether a violation has occurred and take appropriate enforcement action. The licensee must comply with and assist the Utah Department of Human Services, Office of Licensing, and/or the city in investigating complaints or licensing violations.
- q. The city may deny the issuance of a license to operate the group living home to a person (including any entity) if the city reasonably finds that issuance of a license or permit to such person would likely create a threat to the health or safety of other individuals or would likely result in physical damage to the property of others. The city may also deny the issuance of a permit if the applicant or any person described in compliance with subsection (C)(16) of this section has a history or has been found guilty of operating a similar facility in violation of state or local law.
- r. The permit and license issued pursuant to the conditions set forth herein shall be nontransferable and shall terminate if the structure is devoted to a use other than a group home or the structure or use fails to comply with all conditions, building, safety, health and zoning requirements of the Eagle Mountain City Code applicable to similar structures.
- s. Failure of the licensee to comply with or to enforce any of the conditions herein shall result in a review of noncompliance by the Utah Department of Human Services, Office of Licensing, which may result in fines, probation, and revocation of licensure. If the Utah Department of Human Services, Office of Licensing, revokes the license for this

location, this conditional use permit automatically expires. Conditions violated that are not enforced by the Utah Department of Human Services, Office of Licensing, may lead to violation notices and fines by the city, and eventual revocation of the business license and conditional use permit. A first violation shall result in a violation notice. A second violation occurring within any 18-month period shall result in a fine of \$500.00 to the licensee. A third violation occurring within any 18-month period shall result in a fine of \$2,000 to the licensee. The fines set for violation as provided herein shall be paid within 10 days of receipt of the notice of the imposition of the fine. A fourth violation occurring within any 18-month period shall result in the revocation of the license to operate the group home and no license shall be reissued to the licensee, the principals of the licensee if the licensee is an entity, or any alter ego of the licensee for a period of at least two years following such revocation. Eagle Mountain City shall have the right to deny a permit to any individual or entity (or their principals or alter ego) that has had more than one revocation of a permit to operate a group home.

D. As provided for by the Fair Housing Act, an applicant may request a reasonable accommodation to a requirement if it is necessary to afford persons with disabilities an equal opportunity to use and enjoy housing. This is done as part of the conditional use application. Requests for modifications of requirements are unreasonable if the request imposes an undue burden or expense on the city or the use fundamentally alters the zoning scheme. [Ord. O-04-2015 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A)].

~~17.75.080~~ 17.75.044 Residential juvenile group homes.

~~A juvenile group home is a 24-hour group living environment for adolescents under the age of 18, unrelated to an owner or operator, that helps individuals who have emotional, psychological, developmental, or behavioral dysfunctions or impairments to acquire and strengthen the social and behavioral skills necessary to live independently in the community.~~ In addition to the requirements of EMMC 17.75.06043, a residential juvenile group home must be found to conform to the following additional requirements:

A. The applicant must verify compliance with all applicable requirements, regulations, and standards of the Department of Human Services of the state of Utah governing the licensing and operation of juvenile group homes.

B. The facility shall be occupied only by individuals under the age of 18 and paid, professional staff members.

C. A juvenile group home shall not include any persons referred by the Utah State Department of Corrections, any adult or juvenile court, or the juvenile justice system.

D. No individual who has an impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol may be a resident.

E. A juvenile group home shall not provide outpatient treatment. [Ord. O-12-2009 § 2 (Exh. A)].

~~17.75.070~~ 17.75.045 Residential rehabilitation and treatment facility.

In addition to the requirements of EMMC 17.75.06043, a residential rehabilitation and treatment group home must be found to conform to the following additional requirements:

A. All staff members shall be over the age of 18. The group home shall be occupied only by individuals over the age of 18 who meet the following criteria as individuals who are disabled or handicapped: having a physical or mental impairment that substantially limits one or more of a person's major life activities. Admission criteria may also include but are not limited to the following:

- a. Individuals who have been diagnosed with an addiction to alcohol or a controlled substance (as defined in Section 58-37-2, Utah Code Annotated 1953, as amended) who are not currently using controlled substances and are medically stable;
- b. Individuals who are unable to abstain from the use of alcohol or a controlled substance without the structured supportive setting offered by a group home; and
- c. Individuals who have completely and voluntarily abstained from the use of alcohol and all controlled substances and are medically clear for treatment.

B. The licensee shall not allow any person to become a resident of the group home until the licensee has verified compliance with the requirements of subsection A of this section. For purposes of verifying compliance with subsections (A)(1) and (2) of this section, the licensee shall obtain written certification, from a medical doctor (MD), licensed clinical social worker (LCSW), licensed professional counselor (LPC), licensed psychologist, licensed psychiatrist, licensed substance abuse counselor (LSAC) or nurse practitioner (APRN) certified in mental health and substance abuse counseling, that the proposed resident meets the criteria of those subsections. For purposes of verifying compliance with subsection (A)(3) of this section, the licensee shall keep current statistics, census records, clinical records and documentation of medical stability. Statistic and census records that are not protected by confidentiality may be viewed by licensing entities upon request.

C. All residents in the home must completely abstain from using alcohol and controlled substances during the period that they are residents in the group home. Any resident of the group home who uses alcohol or a controlled substance, whether on or off the premises, shall be immediately expelled from the home and shall not be readmitted without meeting the screening criteria in subsection A of this section. However, nothing contained herein shall be construed to prohibit a resident from taking a prescription drug for which a resident has a valid and current prescription.

D. No, alcohol, unprescribed controlled substances or drug paraphernalia shall be allowed on the premises of the group home. Firearms **shall be prohibited on the premises and** may be carried only by private security or uniformed peace officers that hold legal permits to carry. No resident of the group home shall initiate any contact of any kind with residents of the neighborhood except:

- a. In the case of notice or prevention of an emergency which may cause personal injury, death or substantial property damage.
- b. Residents who are cleared by staff to attend local worship services.

E. In order to verify ongoing abstinence from drugs and alcohol, each resident shall submit to at least three random urinalysis tests per month that test for the presence of alcohol and controlled substances. Any resident testing positive for alcohol or nonprescribed drugs, or who refuses to submit to a test, shall be immediately expelled from the group home. The licensee shall maintain records of urinalysis test results. Such records are available to the Utah Department of Human Services, Office of Licensing, for inspection upon request. At least one substance abuse or alcohol testing method must occur daily, including one of the following: urinalysis, blood, hair follicle, **and** breathalyzer, or visual. The licensee tracks statistics on race, gender, relapse, and many other verifiable conditions that may be made available upon request. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.6). Formerly 17.75.060].

17.75.050 Civic-related uses.

17.75.051 Religious or cultural meeting halls.

Religious and cultural meeting halls may be permitted only where:

- A. Parking. The development shall comply with EMMC 17.55.
- B. Outdoor Lighting. The development shall comply with EMMC 17.56.
- C. Landscaping. The development shall comply with EMMC 17.60.

17.75.052 Schools (public/charter/private).

Schools may be permitted only where:

A. Parking and Vehicle Stacking.

- a. Parking requirements shall comply with EMMC 17.55.
- b. Adequate off-street stacking areas which are completely contained on site for student pickup and dropoff are required. No offsite stacking is permitted.

B. Pedestrian Access.

- a. All driveways on the school property shall have at least one sidewalk.
- b. Primary pedestrian crossings shall employ traffic calming features such as speed tables and striping. Secondary pedestrian crossings shall employ a minimum of striping and signs.

C. Setbacks (Charter Schools). Outdoor play areas shall be setback from property lines by at least fifteen feet (15') made up of substantial landscaping, fencing or wall, and berming where feasible.

17.75.060 Commercial-related uses.

17.75.061 Animal care service.

Animal care services may be permitted only where:

- A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Visibility. An outdoor space used for waiting or care is fully screened.

C. Overnight Keeping. The overnight keeping of animals is allowed only for treatment purposes. Overnight boarding is strictly prohibited.

~~17.75.035~~ 17.75.062 Automobile gas/service station and car wash operations.

~~As conditional uses, a~~Automobile gas/service stations and/or car wash operations may be permitted only where:

A. Nuisance. They will not be a nuisance to residences and other surrounding uses.

B. Traffic Congestion. They will not cause traffic hazards or undue traffic congestion.

C. Lot Size. An automobile gas/service station or a freestanding car wash site area will have a minimum of a 15,000-square-foot parcel. The lot frontage, if located on an arterial or collector street, will not be less than 125 feet.

D. Automobile Gas/Service Station or Car Wash Setbacks. Automobile gas/service stations or car wash operations with gasoline pumps will have buildings of the type of construction as defined in the International Building Code, and are to be located at a distance of not less than 25 feet from property or building setback lines.

E. Canopy Setbacks. Gasoline pumps and pump islands for car wash operations or gas/service stations shall have a canopy and the setback (measured from the edge of the canopy) shall be not less than 25 feet from any property lines or shall be in conformity with the building setback lines of the zoning district, whichever is greater.

F. Driveway Design. Driveway design and spacing for automobile gas/service stations or car wash operations shall be reviewed by the city engineer, whose recommendation will be forwarded to the planning commission.

G. Distance to Other Uses. The minimum closest distance from the automobile gas/service station or car wash with gas pumps site to an existing school, park, playground, museum or place of public assembly will be not less than 500 feet.

H. Outdoor Storage or Rentals. No outdoor storage of rental trucks or trailers, stacks of tires or other merchandise will be conducted by the automobile gas/service station or car wash operation except when such equipment or merchandise is screened by an approved fence not less than six feet in height. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.3)].

17.75.063 Check cashing and deferred deposit lenders

Check cashing and deferred deposit lenders may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Separation. No check cashing, deferred deposit lender, or similar credit service business shall be located within one mile of any other check cashing, deferred deposit lender, or similar credit

service business as measured in a straight line between the closest property lines of the lots on which they are located.

C. Density. No more than one check cashing, deferred deposit lender, or similar credit service business shall be allowed for every 10,000 citizens living in the City of Eagle Mountain.

D. Design. In addition to all applicable requirements of this Title, the following will also be required:

- a. The colors of the building shall match the design theme of the center in which it is a part of or if not in a multi-tenant center, surrounding commercial buildings;
- b. At least twenty-five percent (25%) of the first floor façade that faces a street, drive aisle, or sidewalk shall consist of windows and doors of clear or lightly-tinted glass that allows views into and out of the building at eye level;
- c. The use of bars, chains, or similar security devices that are visible from a street, drive aisle, or sidewalk shall be prohibited; and
- d. The use of neon lighting shall be prohibited on the building exterior, affixed to the interior of a window facing outward, or exterior building signage.
- e. Lighting and signage shall comply with EMMC 17.56.

17.75.064 Outdoor sales and display.

Outdoor sales and display may be permitted only where:

A. Definition. For the purposes of this section, “outdoor sales and display” includes the outdoor storage of materials, products, and equipment incidental to an allowed use.

B. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

C. Location. All outdoor sales and display areas shall not be located within a required setback, area of required landscaping, area of required parking, or area of pedestrian or vehicle access and flow.

D. Site Plan. All outdoor sales and display areas shall be clearly defined on the approved site plan and will be limited to these areas.

E. Signs. The outdoor sales and display area shall not include the use of banners, pennants or strings of pennants.

F. Outdoor Storage. All outdoor storage shall require the following screening regulations:

- a. A masonry wall or solid fencing shall be required to screen all open storage areas from view of a street.
- b. A solid fence, screening barrier, or wall shall be required along the side and rear property lines to screen areas of open storage up to and including any gate.
- c. Fences used to screen open storage shall not be less than six feet (6') high. Fences greater than six feet (6') high may be approved as part of a site plan upon a finding that increased height for screening is necessary to reduce impacts to surrounding properties.
- d. Materials, products, and equipment within twenty feet (20') of the fence may not be stored higher than the fence.

17.75.065 Parking garage.

Parking garages may be permitted only where:

A. Nuisance.

- a. The use will not be a nuisance to residences and other surrounding uses.
- b. Parking garages shall be designed to minimize vehicle noise and odors on the public realm. Venting and fan locations shall not be located next to public spaces and shall be located as far as possible from adjacent residential uses.

B. Design.

- a. Parking garages shall be architecturally consistent with the project buildings, including the use of the same primary finish materials and colors as the exterior of the adjacent or adjoining buildings.
- b. Any façade facing a street shall include visual mitigation of parked vehicles and drive ramps such as landscape buffers, upper-level setbacks, or additional architectural treatment.
- c. Any façade adjacent to a sidewalk or pathway shall include human-scale design and detailing along the first floor to enhance its relationship with the pedestrian.
- d. The top deck of parking garages shall include screen walls, periphery landscape islands, or similar features where visible from public view in order to soften the appearance of the top of the parking garage and screen the view of cars on the top deck of the structure.
- e. Internal circulation shall be designed such that parking surfaces are level (or without any slopes) along all primary facades. All ramping between levels need to be placed along the secondary façade or to the center of the structure.
- f. Elevator and stairs shall be highlighted architecturally so visitors, internally and externally, can easily access these entry points.
- g. The parking garage height shall not exceed the height of the primary structure within the project.

C. Placement.

- a. A parking garage may not be located any closer to the front property line than the primary structure or use (when the parking garage is part of the primary structure).
- b. The view of a parking garage from a street shall be minimized by placing its shortest dimension parallel to the street edge.

D. Lighting.

- a. All top deck lighting shall be screened and directed downward to avoid light spill onto the area below and shall consist of only bollards or building lighting. Light poles are prohibited.
- b. Interior garage lighting shall not produce glaring sources toward adjacent properties while providing safe and adequate lighting levels.

E. Signage and Wayfinding. Signage and wayfinding shall be integrated with the architecture of the parking garage and be architecturally compatible with the design. Public parking garage entrances shall be clearly signed from public streets.

F. Access.

- a. Where a garage entrance or exit crosses a sidewalk, the driveway shall be a different color, texture, and/or paving material than the sidewalk to warn drivers of the possibility of pedestrians.
- b. Pedestrian pathways shall connect the pedestrian exit from the parking garage to the buildings it serves.

G. Safety. Parking garages shall follow best CPTED practices and provide for well-lit and visible pedestrian corridors, visible parking areas, security devices, and natural surveillance both inside and outside of the structure.

17.75.066 Plant and tree nursery / garden center.

Plant and tree nurseries and garden centers may be permitted only where:

A. Outdoor sales, display, storage. Any associated outdoor sales, display, and storage of products or equipment must comply with EMMC 17.75.054.

17.75.067 Portable storage / shipping container.

Portable storage and shipping containers may be permitted only where:

A. Stacking. Vertical stacking of portable storage containers and stacking of any other materials or merchandise on top of any portable storage container shall be prohibited.

B. Location.

- a. No portable storage container shall be placed or located on a required parking space, circulation aisle/lane, fire access lane, or public right-of-way.
- b. All portable storage containers shall be located to the rear 50% of the site they are to be located on and shall not be visible from a street. Screening in the form of fencing, landscaping, or a combination of both may be used so that the portable storage container is not visible from a street or to buffer the containers from surrounding properties.

C. Repair and Maintenance. All portable storage containers and their screening and landscaping shall be maintained in good repair. Any dilapidated, dangerous, rusted, or unsightly containers shall be repaired or removed. Graffiti shall be removed within seven (7) days.

D. Use.

- a. Portable storage containers shall be used for storage purposes only. Storage is limited to materials, products, or equipment used, produced, sold, or manufactured on the site of a legally-conforming business or agricultural use.
- b. There shall be no plumbing or electricity connected to the container and all wheels, except for small, non-inflatable rollers, shall be removed.

E. Signage. Portable storage containers shall not be used for signage.

17.75.068 Reception/conference/meeting center.

Reception, conference, and meeting centers may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Parking and Vehicle Stacking.

- a. Parking requirements shall comply with EMMC 17.55.
- b. Adequate off-street stacking areas which are completely contained on site for pickup and dropoff are required. No offsite stacking is permitted.

C. Pedestrian Access.

- a. All driveways on the property shall have at least one sidewalk.
- b. Primary pedestrian crossings shall employ traffic calming features such as speed tables and striping. Secondary pedestrian crossings shall employ a minimum of striping and signs.

17.75.069 Restaurant with drive-through services.

Restaurants with drive-through services may be permitted only where:

A. Purpose. The specific purposes of these regulations are to:

- a. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
- b. Promote safer and more efficient on-site vehicular and pedestrian circulation; and
- c. Reduce conflicts between queued vehicles and traffic on adjacent streets.

B. Site Plan. An applicant for a restaurant with drive-through service shall submit a site plan that includes: a parking and circulation plan, driveway locations, placement of audio equipment (if applicable), placement of message and/or menu boards, and a litter cleanup plan.

C. Litter Cleanup Plan. A litter cleanup plan shall address litter cleanup on and off site and shall include, but not be limited to, a litter pickup schedule and a map of the cleanup area.

D. Stacking Lanes.

- a. A minimum of one hundred twenty feet (120') for a single stacking lane or sixty feet (60') per lane when there is more than one stacking lane. A stacking lane is measured back to the point of service or final service window. Stacking lanes do not have to be linear.
- b. Stacking lanes shall be designed so that they do not interfere with parking and vehicle circulation; and
- c. All stacking lanes shall be clearly identified through the use of means such as striping, landscaping, and signs.

E. Traffic Circulation.

- a. Only one driveway providing vehicular access to and from the drive-through window or service area shall be provided from any street;
- b. Internal traffic circulation patterns on the lot shall be adequate to keep traffic from backing into a street or blocking access to any required parking spaces located on the lot; and
- c. A traffic study addressing both on- and off-site traffic and circulation impacts may be required as part of the site plan application.

F. Drive-Through Location. Drive-through lanes and windows shall be located away from adjacent residential uses.

G. Noise. Noise emitted from drive-through service windows and related features such as remote ordering equipment at outdoor menu boards shall not create a nuisance or disturbance for abutting properties.

H. Buffer. When a drive-through use adjoins any residential use or residential zone, a minimum six foot (6') high masonry wall or solid fence shall be erected and maintained along such property line.

17.75.070 Sexually oriented business.

Sexually oriented businesses may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Location.

- a. No sexually oriented business shall be constructed or operated, as measured in a straight line between the closest property lines of the lots on which they are located, within:
 - i. 1,000 feet of any existing residential use, school, park, playground, museum, or place of public assembly,
 - ii. 500 feet of any historic building or site, or
 - iii. 1,000 feet of any other sexually oriented business.
- b. No church, public park, public library, or school shall be established closer than 1,000 feet from any sexually oriented business.

C. Signs. Signs for each sexually oriented business shall be limited to the following:

- a. Signage is limited to one (1) wall sign. All other signs are prohibited.
- b. The wall sign shall comply with the sign requirements specified in EMMC 17.80 including allowable sign area.
- c. Off-premise signs are prohibited.
- d. Every sexually oriented business sign shall contain alpha-numeric copy only, and no descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sexually oriented business sign.
- e. No animation shall be permitted on or around any sexually oriented business sign or on the exterior walls or roof of the premises.
- f. Painted wall advertising shall not be allowed.

D. Visibility. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or in any area where they can be viewed from a public sidewalk.

E. Design. In addition to all applicable requirements of this Title, the following will also be required:

- a. The colors of the building shall match the design theme of the center in which it is a part of or if not in a multi-tenant center, surrounding commercial buildings;
- b. The use of bars, chains, or similar security devices that are visible from a street, drive aisle, or sidewalk shall be prohibited; and
- c. The use of neon lighting shall be prohibited on the building exterior or exterior building signage.

17.75.071 Tobacco specialty business.

Tobacco specialty businesses may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Separation. No tobacco specialty business shall be located:

- a. Within 5,000 feet of any other tobacco specialty business as measured in a straight line between the closest property lines of the lots on which they are located.
- b. Within 500 feet of any existing school, park, playground, museum, or place of public assembly as measured in a straight line between the closest property lines of the lots on which they are located.

C. Density. No more than one tobacco specialty business shall be allowed for every 20,000 citizens living in the City of Eagle Mountain.

D. Design. In addition to all applicable requirements of this Title, the following will also be required:

- a. The colors of the building shall match the design theme of the center in which it is a part of or if not in a multi-tenant center, surrounding commercial buildings;
- b. The use of bars, chains, or similar security devices that are visible from a street, drive aisle, or sidewalk shall be prohibited; and
- c. The use of neon lighting shall be prohibited on the building exterior or exterior building signage.

17.75.080 Industrial-related uses.

17.75.081 Towing yards and vehicle storage.

Towing yards and vehicle storage may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Screening. Must comply with the requirements set in EMMC 17.75.054(F).

C. Vehicles.

- a. No storage of salvaged, dismantled, or inoperable vehicles is allowed on the site.
- b. No vehicles shall be dismantled or crushed on the site.
- c. No vehicle shall remain for more than one hundred and eighty (180) days on the site.

D. Storage Area. The vehicle storage area shall be graded and paved with asphalt or concrete surfacing to ensure that all surface water generated from the site shall be retained on site and to prohibit percolation of surface water and VOCs from stored vehicles.

E. Sales. No sale or advertising the sale of vehicles shall be permitted.

17.75.090 Utility-related uses.

17.75.091 Utilities, Public and Private

This section is inclusive of facilities, substations, structures, buildings, transmission lines (above and below ground), equipment, and storage (fenced or enclosed) related to the production and distribution of utility services, public and private.

Utilities and related infrastructure may be permitted only where:

A. General.

- a. Any utility installation shall comply with EMMC Title 13 Public Utilities and Services.
- b. Any utility installation, except utility boxes and transmission lines, shall be subject to EMMC 17.100.

B. Substations.

- a. Fencing. The perimeter of the substation site shall be fenced for public safety and to minimize visual impact.
- b. Landscaping. The perimeter of the substation site (outside of the fence) shall be landscaped.
- c. Location. No substation shall be located in the path of any planned street or trail as illustrated in the city's Transportation Master Plan and Parks and Open Space Master Plan.

C. Ground-Mounted Utility Boxes.

a. Location.

- i. Any ground-mounted utility box shall not be located within one foot (1') of any sidewalk or eighteen inches (18") from the face of a curb or obstruct any required sight distance triangles for driveways and intersections.
- ii. Private Property: on private property with permission of the property owner or representative at the following locations:
 - 1. Below-grade utility boxes that do not extend greater than six inches (6") above ground level.
 - 2. Within the buildable area of a lot, rear yard, or side yard.
 - 3. Behind required front and corner side yards or within five feet (5') of a building when front and corner side yards are not required.

4. Within a utility easement subject to easement restrictions.
5. Within a right-of-way when the location does not interfere with circulation functions of the right-of-way and subject to Item #3 above.
- iii. Public Right-of-Way.
 1. Below-grade utility boxes that do not extend greater than six inches (6") above ground level.
 2. Within a park strip or behind the sidewalk meeting the following criteria:
 - (a) A ground-mounted utility box not exceeding a height of three feet (3') and a footprint of four (4) square feet, or a box not exceeding two feet (2') in height and a footprint of eight (8) square feet.
 - (b) The pad for a ground-mounted utility box shall not extend more than six inches (6") beyond the footprint of the box.
 - (c) A ground-mounted utility box in a residential zoning district is located within fifteen feet (15') of the interior lot line of an adjacent property.
 - (d) Excluding industrial, business park, airport, and commercial zoning districts, no more than three (3) ground-mounted utility boxes, excluding exempt utility boxes, shall be allowed within a six hundred sixty foot (660') segment of street right-of-way.
 - (e) Any small ground-mounted utility box that is less than sixty percent (60%) of the allowed size in subsection Item (a) above of this section shall be exempt from the requirement set in Item (d) above.
 3. A ground-mounted utility box installed in a public alley that does not interfere with the circulation function of the alley.
- iv. Location Exemption. Any ground-mounted utility boxes installed by a governmental entity in the public right-of-way for public safety and management purposes, such as traffic control devices, utility boxes for lighting and parking meters.
- b. Materials. All ground-mounted utility boxes shall consist of high-quality material such as stainless steel or other durable painted or colored material. The finish shall be a neutral color such as dark or light green, beige, grey, or a color similar to utility boxes within the vicinity and coated with a graffiti-resistant treatment.

17.75.092 Communication facilities and towers.

This section is inclusive of wireless telecommunication, radio, microwave, and other transmission towers.

Communication facilities and towers may be permitted only where:

A. General. The following development standards shall be applicable to all facilities regardless of the facility type or zone within which the facility is proposed to be located:

- a. The proposed facility shall be located on an approved structure and/or site in conformance with this code. If a proposed facility site does not conform to this code, the carrier shall submit and have approved a plan to bring the structure and/or site into conformance with the code prior to completion and operation of the proposed facility.
- b. Any associated mechanical or electrical equipment shall be completely screened from view, from rights-of-way, on-site parking areas and adjacent properties, with a solid fence or wall.
- c. The proposed facility, including associated mechanical and electrical equipment, shall not be located within a public right-of-way.
- d. The proposed facility shall conform to the requirements of this title, this code, and other laws, including pertinent federal regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).
- e. Copies of required permits from pertinent federal agencies establishing compliance with applicable federal regulations shall be filed with the City prior to the issuance of any permit for a proposed facility.
- f. The proposed facility shall conform to applicable development standards set forth in this section.
- g. Lightning rods shall not be included in the height calculation for any facility.
- h. Antennas and equipment boxes on the utility poles shall be painted to match the pole to which it is attached to minimize visual impacts.
- i. Generators or noise producing venting systems shall not be used.
- j. Lighting for aircraft is prohibited except where required by Federal Law.

B. Location and Type Priority. Telecommunication facilities shall be located as unobtrusively as is reasonably possible. The provider shall make a good faith effort to site antennas in the following order of priority:

- a. Existing Structures or Stealth Facilities. First priority shall be granted to antennas located on existing structures or antennas qualifying as stealth facilities, as follows:
 - i. Existing structures. Antennas located on lawfully existing buildings, structures, and antenna support structures, provided that the building, structures, or support structures are: (1) located on a telecommunication facility designed and approved for collocation, (2) located in a non-residential zoning district, or (3) located in a residential zoning district on property that is being used for nonresidential uses such as governments, school, or church; or
 - ii. Stealth Facilities. Antennas certified as stealth facilities as set forth in this ordinance.
- b. Monopoles on property owned by the City.
- c. Monopoles on property owned by a non-City public agency.
- d. Monopoles on nonresidential private property. Monopoles constructed on private property, provided that the private property is (1) located in a nonresidential zoning district, or (2) located in a residential zoning district on property that is used for a nonresidential use such as government, school, or church.

- e. Other. Any combination of antenna type and location other than those listed in this subsection.

C. Burden of Proof. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the City why it could not locate antennas on site with a higher priority than the site chosen by the applicant. The applicant shall provide the following information to the approving authority:

- a. Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area.
- b. Reason for Rejection of Higher Priority Sites. The reasons why the higher priority sites are not technologically, legally, or economically feasible. The applicant shall make a good faith effort to locate antennas on a higher priority site. The City may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.
- c. Justification for Proposed Site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings, structures, or stealth facilities.

D. Setbacks.

- a. Communication facilities and towers shall comply with the setback requirements of the underlying zone and are further modified in EMMC 17.75.082(H).
- b. When located in a residential zone or on a non-residential lot that is adjacent to residential zones, development, or property designated for residential land use by the general plan, communication facilities and towers shall be a minimum of 200 feet from the property line abutting residential uses. This will allow for adequate separation from residential development.

E. Collocation. Collocation of a communication facilities and towers on a previously-approved communication facility such as an existing building, structure, or antenna support structure, is allowed, provided:

- a. No increase in the height of the existing support structure is proposed;
- b. All aspects of the collocation improvements must be located within the previously-approved screened area;
- c. Compliance with the corresponding provisions set forth in this subsection.

F. Safety.

- a. Regulation Compliance.
 - i. Compliance with FCC and FAA regulations. All operators of communication facilities shall demonstrate compliance with applicable FCC and FAA regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan approval.

- ii. Other licenses and permits. The operator of every communication facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.

G. Emergency. The City shall have authority to move or alter a communication facility in case of emergency. Before taking any such action, the City shall first notify the owner of the facility, if feasible.

H. Abandonment. The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than consecutive months.

- a. Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address.
- b. Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity, or corporation, whether acting as principal agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this chapter. The City may seek a civil injunction requiring the removal of any structures on the site in accordance of this chapter. The City may also remove such structures itself and may bill its costs in removing such structures to the operator. Any lease agreement with the City may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this chapter automatically transfers ownership of the antennas, support buildings, and all other structures on the site to the City.

I. Specific Regulations by Type. Communication facilities are characterized by the type or location of the antenna structure. There are five general types of antenna structures contemplated by this ordinance: ham radio towers, monopoles, roof-mounted antennas, stealth facilities, and wall-mounted antennas. If a particular type of antenna structure is allowed by this ordinance as a special use, the minimum standards for that type of antenna are as follows:

- a. Ham Radio Towers. Ham radio towers or any other radio or antennae facilities are regulated by the FCC as well as individual homeowners associations (HOAs) through restrictive covenants or other regulating documents.
- b. Monopoles:
 - i. Justification. If the applicant desires to construct a monopole, the applicant shall first submit a detailed written description of why the applicant cannot obtain coverage using existing buildings, structures, or stealth facilities. The description shall include a radio frequency engineering review of the proposed Monopole Telecommunication Facility in relation to the requested height and possible alternative locations.
 - ii. Visual Analysis. The applicant shall submit a visual analysis which may include photo simulation, field mock up, or other techniques, which identifies the

potential for visual impacts of the proposed monopole. The analysis shall consider views from public areas (streets, parks, etc.) and from private residences.

- iii. **Maximum Height.** The maximum height of the monopole or monopole antenna shall be 60 feet, although the City may allow an antenna or antenna support structure up to 120 feet in height, if the applicant demonstrates that the additional height is necessary to obtain coverage or to allow co-location, and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The antenna itself shall not exceed ten feet in height.
 - iv. **Setback.** Monopoles shall be set back a minimum distance equal to four times the height of the proposed monopole structure from any residential lot line, measured from the base of the monopole to the nearest residential lot line unless the applicant can demonstrate that a lesser distance is necessary as demonstrated in a certified radio frequency engineering report.
 - v. **Spacing.** No monopole shall be approved within 1,000 feet of another monopole, except those within 120 feet of or adjacent to existing transmission powerline corridors. This is permitted because monopoles will blend in with the power poles.
 - vi. **Color.** A surface treatment may be required so that monopoles, antennas, and related support structures match the background against which they are most commonly seen.
 - vii. **Screening.** Monopoles shall be fenced with a six-foot (6') high black vinyl coated chain-link fence or other fencing or wall method.
- c. **Roof-Mounted Antennas:**
 - i. **Maximum Height.** The maximum height of a-roof mounted antenna shall be 18 feet above the roof line of the building.
 - ii. **Setback.** Roof-mounted antennas shall be setback from the exterior wall of the building or structure a distance at least equal to the height of the antenna above the roof.
 - iii. **Mounting Options.** A roof-mounted antenna shall be mounted only on structures with flat roofs. Roof-mounted antennas may be mounted directly on a roof, or on top of existing penthouses or mechanical equipment rooms if the total height of the antennas do not exceed 18 feet above the roof line of the building.
 - iv. **Color.** Roof-mounted antennas, equipment, and supporting structures shall be painted to match the color of the building or structure, or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.
 - v. **Combination of Wall- and Roof-Mounted Antennas.** Any building may have a combination of wall- and roof-mounted antennas meeting the requirements of this section.
- d. **Stealth Facilities:**

- i. **Maximum Height.** The overall height of any structure proposed to be used for a stealth fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. A stealth fixture shall be no more than ten feet higher than the structure to which it is attached, provided the fixture and the structure to which it is attached is consistent with the character of similar structures located in the same area.
- ii. **Disguise.** A stealth fixture antenna shall be disguised as part of the structure to which it is attached or otherwise concealed from public view as much as reasonably possible. A stealth fixture antenna may be attached to or disguised as a flag pole, light pole, power pole, manmade tree, clock tower, steeple, or a structure used primarily for another use so long as any antenna located on the structure does not detract visually from the primary use. Stealth fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached. Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged.
- iii. **Engineered Structure.** A structure to which a stealth fixture antenna is attached shall be designed by a state certified engineer to verify that the structure can support the stealth fixture antenna.
- iv. **Antenna Size.** A stealth fixture antenna, including the mounting structure, shall not exceed thirty inches (30") in diameter, provided, however, that antennas exceeding thirty inches (30"), including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, manmade tree, or other similar structure.
- v. **Conversion.** Stealth facilities may include the conversion of existing flagpoles, light standards, athletic field lights or other similar structures to a stealth facility provided the structure's height is not increased more than ten feet (10').
- vi. **Utility Pole Antennas.** Utility pole antennas may be allowed as a stealth facility subject to the following minimum requirements:
 - 1. **Location.** Utility Pole Antennas may only be located on existing City-owned utility poles except for decorative street lights.
 - 2. **Method of Mounting.** Such antennas shall be designed and installed by the applicant according to City's specifications and requirements.
 - 3. **Height.** Antennas shall not extend more than ten feet (10') above the top of the pole.
 - 4. **Antenna Size.** The antennas, including the mounting structure, shall not exceed two feet (2') in diameter.
 - 5. **Electrical Equipment.** Electrical equipment shall not be located in the public right-of-way.
 - 6. **Agreement.** Each telecommunication provider is required to enter into an agreement with the City prior to installing any telecommunication facilities in a public right-of-way. The City shall review site plan conditions prior to the execution of the agreement.
- e. **Wall-Mounted Antennas:**

- i. **Maximum Height.** Wall-mounted antennas shall not extend above the roof line of the building or structure, or extend more than four feet horizontally from the face of the building.
- ii. **Setback.** Wall-mounted antennas shall not be located within 20 feet of a residential zoning district unless it is located on a nonresidential structure as approved by this section.
- iii. **Mounting Options.** Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall-mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room.
- iv. **Color.** Wall-mounted antennas, equipment, and supporting structures shall be painted to match the color of the building or structure, or the background against which they are most commonly seen. Antennas and the supporting structure on the building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure, but may be camouflaged in a stealth facility as per stealth requirements of this section.
- v. **Maximum Area.** The total area for all wall-mounted antennas and supporting structures on any one building shall not exceed five percent (5%) of any exterior wall of the building.
- vi. **Combination of Wall- and Roof-Mounted Antennas.** Any building may have a combination of wall- and roof-mounted antennas meeting the requirements of this section.

J. Additional Requirements.

- a. **Storage Areas and Solid Waste Receptacles.** No outside storage or solid waste receptacles shall be permitted on a communication facility site.
- b. **Equipment Enclosures.** All electronic and other related equipment and appurtenances necessary for the operation of any communication facility shall, whenever possible, be located within a lawfully pre-existing structure. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings, and structures surrounding such structure.
- c. **Accessory Buildings.** Freestanding accessory buildings used with a communication facility shall not exceed a combined total of four hundred and fifty (450) square feet and shall comply with the setback requirements for structures in the zoning district in which the facility is located.
- d. **Parking.** The City may require a minimum of one parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.
- e. **Maintenance Requirements.** All communication facilities shall be maintained in a safe, neat, and attractive manner.
- f. **Landscaping.** All communication facilities shall be adequately landscaped in order to provide visual screening as deemed necessary by the Planning Commission on a site specific, case by case basis. For monopoles where there are no buildings immediately adjacent to the monopole and equipment facilities, the site shall be surrounded by

dense tree growth to screen views of the facility in all directions. These trees may be existing on the subject property or planted as part of the site improvements. The City may require additional landscaping as part of the site plan approval.

- g. Power Lines. All power lines on the lot leading to the communication facility shall be underground.

17.75.100 Temporary uses.

~~17.75.035~~ 17.75.101 Construction office trailers.

A construction office trailer may not be parked or stored on any construction or development project site without a permit from the planning director. The application for a construction office trailer permit must be made to the planning director on the form provided by the city, and shall include a site plan showing the proposed location of the construction office trailer and distances from roads, building and property lines. The planning director shall not issue the permit unless the planning director determines that the following conditions are met:

- A. The construction office trailer is located entirely on site, and does not infringe on the public right-of-way;
- B. The construction office trailer is not located in the clear vision triangle;
- C. The construction office trailer is not located within 10 feet of any building;
- D. The construction office trailer is not located in a position that will create unreasonable traffic or noise for neighboring homes or business; and
- E. The construction office trailer is not located on any easement.

A construction office trailer shall be removed from the construction site at the earlier of the deadline prescribed in the permit, 30 days after a final certificate of occupancy has been issued for the project, or the project has been abandoned as defined in Chapter 17.10 EMMC. Only one construction office trailer shall be allowed on any construction project unless the planning director determines that unique circumstances exist that warrant more the one construction office trailer on any construction project. [Ord. O-02-2016 § 2 (Exh. A)].

~~17.75.040~~ 17.75.102 Temporary Subdivision sales offices.

A. Temporary Sales Trailers. One temporary sales trailer is allowed for subdivisions ranging between five and 50 acres. Subdivisions in excess of 50 acres may have two temporary sales trailers. A permit for a subdivision sales office may be issued by the building department at any time after recording of the subdivision and shall become void one year following the date on which the permit was issued. The temporary office shall then be removed unless, 30 days prior to the expiration of one year following the date on which the permit was issued, a request for an extension of time is made to and granted by the planning commission. In no case will the extension be granted for a period of more than one year.

B. Model Homes. A subdivision may have multiple model homes which contain sales offices. The temporary sales office must be removed from a model home when the subdivision is more than 80 percent developed or has been occupied as a temporary sales office for three years,

whichever occurs first. Time extensions may be considered by the planning director on a case-by-case basis, depending on the impact on existing dwellings in the development, the suitability of the office in a residential area, and traffic flow generated by the temporary sales office. A temporary sales office or model home may not be used as a general real estate office, a construction management office, or an off-site sales office. [Ord. O-09-2013 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.4)].

~~17.75.100~~ 17.75.103 Temporary commercial uses.

Special commercial events such as fireworks and Christmas tree sales, carnivals or temporary sales events may be approved by the planning director when located in commercial-type zoning districts and in accordance with city ordinances. The planning director shall be required to find that the proposed use will not constitute a nuisance to be in conflict with other land uses near the subject property. In approving a temporary commercial use, the planning commission may review the length of time requested for the use to be conducted, the proposed hours of operation, anticipated parking needs, traffic circulation or impacts on surrounding streets and neighborhoods, or any other regulation or condition necessary for the preservation of the public health, safety and welfare. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.8). Formerly 17.75.080].

17.75.110 Ancillary uses.

~~17.75.090~~ 17.75.111 Storage of commercial vehicles.

No motor vehicle, trailer or related equipment associated with a commercial or industrial use shall be parked, stored or maintained on any lot or parcel of land in a residential zone, nor shall any contracting and/or earth moving equipment be parked, stored or maintained on any lot or parcel of land in a residential zone. This shall not be construed to restrict the overnight parking of vehicles and equipment used in the daily activities of the property owner's occupation. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.7). Formerly 17.75.070].

~~17.75.120~~ 17.75.112 Swimming pool, hot tub and spa safety requirements.

Any recreational water facility not contained within a fully enclosed building, gazebo or other structure must comply with the following conditions and requirements:

A. Setbacks. A recreational water facility shall be set back a minimum of five feet from all property lines, shall only be located within a side or rear yard, and shall not be located within any public utility easement.

B. Barrier Fence/Wall. A recreational water facility shall be completely surrounded by a fence or wall having a height of at least five feet. Except for the gate opening, fences shall not include any slots or openings that would permit a four-inch-diameter sphere to pass through. All gates shall be equipped with self-closing and self-latching devices located on the interior side of the gate, and must be able to accommodate a lock. All gates located within 10 feet of the recreational water facility must swing outward from the recreational water facility. Fences or

walls shall not be located adjacent to permanent structures, equipment, or similar objects that could be used to climb them. The bottom of the fence/wall shall be no more than two inches from the ground.

C. Barrier Fence/Wall Exceptions. Above-ground spas and hot tubs are exempt from subsection B of this section if equipped with a hard safety cover that can be latched or locked. Above-ground pools, spas, and hot tubs with nonclimbable walls at least five feet in height where access is provided by a ladder or steps must meet one of the following:

- a. The ladder or steps shall be capable of being locked or removed to prevent access; or
- b. The ladder or steps shall be surrounded by a barrier fence/wall that meets the standards in subsection B of this section.

D. County Health Department. If a permanent swimming pool is to be located on the same property as a septic tank or sewage disposal drain field, the location must be approved by the Utah County health department.

E. Swimming pool construction shall conform to all requirements of the adopted building codes, including the International Swimming Pool and Spa Code. [Ord. O-17-2017 § 2 (Exh. A)].

~~17.75.110~~ 17.75.120 Unbuildable lands.

In considering the layout of any development in the city, the developer shall conform to the following restrictions with respect to unbuildable lands. No construction may occur in areas that have slopes in excess of 25 percent, land restricted by power lines, high volume floodplains, alluvial discharge areas, floodplains and floodways, and wetlands. Land in excess of 15 percent is ineligible for inclusion in improved open space requirements unless the planning commission recommends and the city council approves specific improvements on land in excess of 15 percent which these bodies have determined to be an approved entity. In this case, only the acreage of unbuildable land in excess of 15 percent which is improved will be considered towards the improved open space requirements. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.9). Formerly 17.75.090].



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 28, 2020**

TITLE:	DISCUSSION ITEM - Master Development Agreement/Plan		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

PRESENTED BY:

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 28, 2020**

TITLE: DISCUSSION ITEM - Tier & Bonus Density Language Removal

ITEM TYPE: Discussion

APPLICANT: Staff

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Jessa Porter, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:

[UPDATED...Proposed Tier Language .docx](#)

[Base Density Language.docx](#)

[Bonus Density Language.docx](#)

Proposed Code Amendments – Removing Tier Language

16.30.080 Rural residential subdivisions.

Subdivisions that are to be reviewed under agricultural, ~~base-density RA1~~, or ~~Tier I residential RA2~~ zone development standards (see Chapters 17.20 and 17.25 ~~17.25 and 17.30~~ EMMC) may not be required to install the same public improvements as subdivisions developed in other zones. Requirements to install curbs, gutters, sidewalks, water and sewer utilities, and street lights may be waived by the city council after a recommendation from the planning commission, upon condition that the developer provides for pedestrian circulation and accommodates water and sewer utilities and surface drainage throughout the subdivision. Necessary facilities may include, but not be limited to, trails and pathways, storm drainage detention ponds or secondary water facilities. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.9); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.9). Formerly 16.30.090].

16.30.090 Connectivity standards.

These standards are intended to create a connected transportation system between neighborhoods and commercial areas, with the goal of promoting walkability through additional connections and shorter block lengths, improving emergency response times, providing better routes to schools and parks, preventing isolated developments, and reducing impacts of development on arterial and collector roads by providing alternate routes.

A. A circulation plan shall be provided as part of a preliminary subdivision plat application which shall:

1. Address street connectivity, pedestrian circulation, emergency access, and parking movements. If cut-through traffic is likely, traffic calming measures such as curb extensions, chicanes, raised crossings, or other features shall be required.
2. Show connectivity index, block length dimensions, cul-de-sac length dimensions, pedestrian facilities, and any proposed traffic calming features.
3. Plan must account for access and connectivity on adjacent parcels. On a case-by-case basis the community development director and city engineer may require changes to stub road locations if it will increase the connectivity within an adjacent property.
4. Required for any proposed residential development over one acre in size or with more than 10 units. The planning commission may waive the requirement for a circulation plan on a case-by-case basis according the following criteria:
 - a. Landlocked. Surrounding properties have not provided adequate stub road connections into the project.

b. A single multifamily structure (10+ units) is being constructed within an existing multifamily development.

c. The proposed development doesn't create any new links or nodes.

B. Connectivity Index Calculation. The required connectivity index is calculated by dividing the total number of



links by the total number of nodes.

(This example shows 11 links and six nodes which equates to a connectivity index of 1.83)

1. For the purpose of calculating the number of total links, one link beyond each node shall be included in the connectivity index calculation. Street stubs that provide future access to adjacent properties or streets that connect to existing streets are considered links.

a. An additional half link shall be included in the connectivity index calculation for each hard surface pedestrian connection through a cul-de-sac with a minimum width of eight feet with an additional two-foot soft shoulder on each side.

b. An additional quarter link shall be included in the connectivity index calculation for each roadway segment where homes face an amenitized open space, park, or natural area. The roadway segment shall have a minimum 300 feet of frontage along the said open space.

C. Residential Connectivity Standards. All new residential subdivisions with 10 or more units or more than one acre shall meet the following connectivity index: block length and cul-de-sac length standards for public roads. Private roads shall be reviewed on a case-by-case basis; however, a public road may be required to prevent a private road in a subdivision from stubbing into a future or existing public road.

1. Required Connectivity Index. The minimum required connectivity index shall be required based on the project density as identified in the following table of minimum connectivity index scores:

Tier Level Zone Designation	Minimum Index Score
Base RA1& RA2	1.25
Tier I RD1, RD2, FR	1.5
Tier II R1/R2/R3	1.6
Tier III & Tier IV RC, MF1, MF2	1.75

a. Reduction in Required Connectivity Index. The required connectivity index may be reduced if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

- i. Topography;
- ii. Natural features including lakes, rivers, and designated wetlands;
- iii. Existing adjacent development;
- iv. Rail corridors;
- v. Limited access roadways.

Reductions in the required connectivity index will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and the planning commission and approval by the city council.

The total allowed reduction to the required connectivity index will be based on an analysis of existing conditions that prevent connections. As part of the analysis, city staff will ensure the internal connectivity of the subdivision meets the required connectivity index and that the connectivity is provided to adjacent properties where possible.

2. Maximum Block Lengths. Maximum block lengths allowed shall be required based on the project density as identified in the following table:

Tier Level Zone Designation	Maximum Block Length
Base RA1 & RA2	1,200'/1,500'*
Tier I RD1, RD2, FR	1,000'/1,200'*
Tier II R1/R2/R3	800'/1,100'*
Tier III & Tier IV RC, MF1, MF2	600'/900'*

* Longer block length permitted if a midblock pedestrian connection is provided.

a. Increase in Block Length. The maximum allowed block length may be increased if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

- i. Topography;
- ii. Natural features including lakes, rivers, and designated wetlands;
- iii. Existing adjacent development;
- iv. Rail corridors;
- v. Limited access roadways.

Increases in block length will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

3. Cul-de-Sac Length Standards. Maximum cul-de-sac lengths allowed shall be required based on the project density as identified in the following table:

Tier Level Zone Designation	Maximum Cul-de-Sac Length
Base & Tier I RA1, RA2, RD1, RD2	400'
Tier II, Tier III & Tier IV FR, R1, R2, R3, RC, MF1, MF2	250'

a. Cul-de-sacs shall not be allowed in ~~Tier II, Tier III, or Tier IV~~ FR, R1, R2, R3, RC, MF1, or MF2 subdivisions unless the applicant provides clear and convincing evidence that a cul-de-sac is necessary to develop the entire parcel due to the following limitations:

- i. Topography;
- ii. Natural features including lakes, rivers, and designated wetlands;
- iii. Existing adjacent development;
- iv. Rail corridors;
- v. Limited access roadways.

Requests for cul-de-sacs within ~~Tier II, Tier III, and Tier IV~~ FR, R1, R2, R3, RC, MF1, or MF2 subdivisions will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments, and planning commission and approval by the city council.

4. External Street Connectivity Standards. In addition to the internal street connectivity standards, external connectivity shall be maintained.

- a. Cul-de-Sacs. In cases where cul-de-sacs have one or two rows of lots between the end of the cul-de-sac and an external road, a hard surface pedestrian connection with a minimum width of eight feet and an additional two-foot soft shoulder on each side shall be utilized to connect to the external street.
- b. Pedestrian connections shall be utilized to connect proposed developments to master planned trails and adjacent existing or future developments where applicable. Connections shall be a hard

surface pedestrian connection with a minimum width of eight feet and an additional two-foot soft shoulder on each side.

5. Nonresidential Connectivity Standards. All new nonresidential subdivisions containing the dedication of public roads shall meet the following connectivity index and block length standards. Private roads shall be reviewed on a case-by-case basis; however, a public road may be required to prevent a private road in a subdivision from stubbing into a future or existing public road.

a. Required Connectivity Index. The minimum required connectivity index score shall be 1.5 for nonresidential developments.

i. Reduction in Required Connectivity Index. The required connectivity index may be reduced if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

(A) Topography;

(B) Natural features including lakes, rivers, and designated wetlands;

(C) Existing adjacent development;

(D) Rail corridors;

(E) Limited access roadways.

Reduction in the required connectivity index will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

The total allowed reduction to the required connectivity index will be based on an analysis of existing conditions that prevent connections. As part of the analysis, city staff will ensure the internal connectivity of the subdivision meets the required connectivity index and that connectivity is provided to adjacent properties where possible.

b. Maximum Block Lengths. Maximum block lengths allowed shall be 1,000 feet for nonresidential subdivision.

i. Increase in Block Length. The maximum allowed block length may be increased if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

(A) Topography;

(B) Natural features including lakes, rivers, and designated wetlands;

(C) Existing adjacent development;

(D) Rail corridors;

(E) Limited access roadways.

Increases in block length will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

ii. Cul-de-Sac Standards. Cul-de-sacs shall not be allowed in any nonresidential zone unless the applicant provides clear and convincing evidence that a cul-de-sac is necessary to develop the entire parcel due to the following limitations:

(A) Topography;

(B) Natural features including lakes, rivers, and designated wetlands;

(C) Existing adjacent development;

(D) Rail corridors;

(E) Limited access roadways.

Requests for cul-de-sacs within nonresidential zones will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

iii. Cross-Access. It is highly encouraged for nonresidential site plans to provide cross-access to adjacent developments to allow auto and pedestrian trips to occur between developments without the need of using the street. [Ord. O-02-2017 § 2 (Exh. A)].

17.10.030 Definitions.

“Multifamily dwelling” means all attached housing products and types, including condominiums, apartments, townhomes, and twinhomes. ~~All multifamily dwellings shall be considered Tier III or Tier IV residential.~~ Multifamily dwellings may include dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and the like. Any multifamily dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a hotel/motel. See also “Family.”

17.60.090 Required landscaping.

A. Portions of property that are not developed with structures, rights-of-way, driveways, and parking areas shall be required to be landscaped in all zones (except in the ~~residential base density and Tier I categories~~ Rural Density 1, Rural Density 2, and the agriculture areas). Commercial, industrial, and multifamily dwellings shall adhere to the minimum landscaping standards contained in Table 17.60.160(a), Required Landscape Improvements for Multifamily. The planning commission shall have authority to waive these standards as circumstances dictate.

17.60.150 Lot size transitioning.

New subdivisions that are being proposed adjacent to existing or approved subdivisions and master development plans, building lots in an agriculture zone, or Camp Williams and BLM properties shall have lots that transition in accordance to the following standards:

A. Existing Subdivisions and Master Development Plans of Lower Density. All new developments that are proposing higher densities than existing adjacent development shall follow the transitioning standards of this chapter found in Table 17.60.150(1) and illustrated in Figure 17.60.150(1) to buffer incompatible uses.

Lot Size Transitioning from Larger Lots to Smaller Lots						
Lot Size	1st adjacent lot minimum	2nd adjacent lot minimum	3rd adjacent lot minimum	4th adjacent lot minimum	5th adjacent lot minimum	6th adjacent row minimum
4+ Acres	2 Acres	1 Acre	1/2 Acre	1/4 Acre	Small Single-Family or Tier II	No Additional Buffering Required
3.99 – 1 Acre	1 Acre	1/2 Acre	1/4 Acre	Small Single-Family or Tier III	No Additional Buffering Required	
.99 – .51 Acre	1/2 Acre	1/4 Acre	Small Single-Family or Tier III	No Additional Buffering Required		

.49 – .25 Acre	1/4 Acre	Small Single-Family	No Additional Buffering Required
Small Lot/ Tier III	No Buffering Required		

B. Existing Subdivisions and Master Development Plans of Higher Density. All new developments that are proposing lower density than existing adjacent development shall follow the transitioning standards of this chapter found in Table 17.60.150(2) and illustrated in Figure 17.60.150(1) to buffer incompatible uses.

Lot Size Transitioning from Smaller Lots to Larger Lots						
Lot Size	1st adjacent lot minimum	2nd adjacent lot minimum	3rd adjacent lot minimum	4th adjacent lot minimum	5th adjacent lot minimum	6th adjacent row minimum
Condo	Small Single-Family or Tier III	1/4 Acre	1/2 Acre	1 Acre	2 Acres	No Additional Buffering Required
Small Lot/ Tier III	1/4 Acre	1/2 Acre	1 Acre	2 Acres	No Additional Buffering Required	
.25 – .49 Acre	1/2 Acre	1 Acre	2 Acres	No Additional Buffering Required		
.50 – 1 Acre	2 Acres	No Additional Buffering Required				
1.1 – 3.99 Acre	No Buffering Required					

From Large to small lots

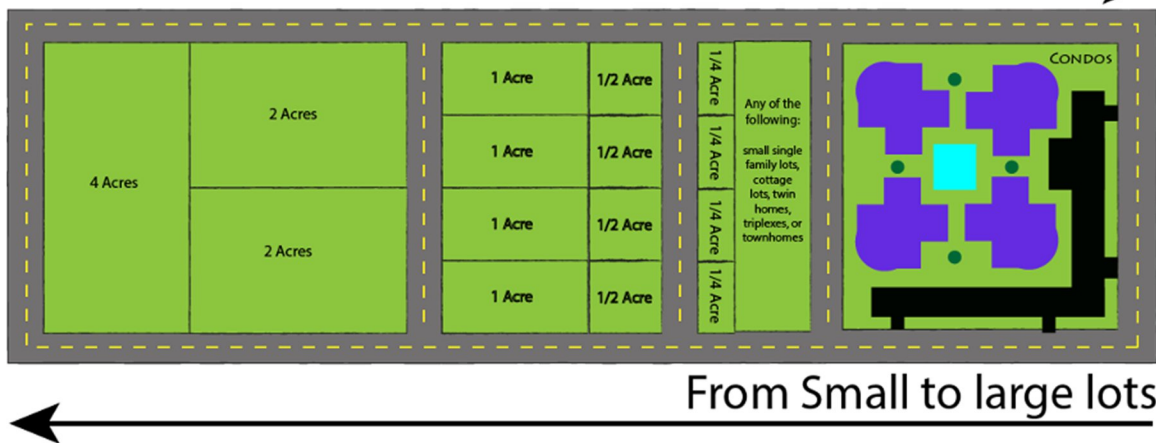


Figure 17.60.150(1) Lot Size Transitioning

16.35.100 Sidewalks, trails, and pathways.

Sidewalks shall be provided along both sides of streets, at the developer's expense, and in compliance with the detailed performance standards of "Eagle Mountain City Construction Specifications and Standards." Sidewalks are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC.

A. Developments Not Requiring Sidewalks. Sidewalks are not required along alleys. Sidewalks, curbs, and gutters may not be required in agricultural, ~~base-density RA1, RA2, or RD1 Tier I residential~~ developments (see EMMC [16.30.090](#) and Chapter [17.25](#) EMMC). Notwithstanding other provisions of this title, the city council may determine in the development agreement that sidewalks will not be required on one or both sides of the street. Such determination may be made if lot sizes, traffic patterns, wider roads or other related design factors support a more flexible approach. If sidewalks are not required, the city council may specify the completion of other public facilities in lieu of sidewalks.

B. Improved Trails. Developments shall provide improved trails and pathways constructed to "Eagle Mountain City Construction Specifications and Standards" for bicycle and/or horse use which connect the development to other public facilities such as parks or the major existing and planned trails established in the city's general plan. Connecting trails are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC.

C. Street Lighting. Street lighting shall be installed where necessary to ensure the safety of pedestrians, but may not be required in agricultural, ~~base-density RA1, RA2, or RD1 Tier I residential~~ developments (see Chapter [17.25](#) EMMC), except at subdivision entryways. [Ord. O-16-2016 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.10); Ord. O-07-2006 § 2 (Exh. 1 § 7.10); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.10)].

17.70.060 Approval criteria.

Proposed accessory apartment uses must be in compliance with the following criteria to ensure that health and safety considerations are addressed and that the residential characteristics of neighborhoods are preserved. Accessory apartments are to be clearly incidental and secondary to the residential use of the property. The approval criteria include:

G. Detached Structures. Accessory apartments shall only be permitted in a detached structure away from the principal building on ~~lot in the base density or Tier I categories of the residential zone, or in the agriculture or airport zones~~ residential lots that are at least 8,000 square feet in size.

17.70.080 Tiny homes on wheels.

A. Permitted as accessory apartments in ~~base and Tier I residential~~ Agriculture, RA1, RA2, RD1, and RD2 zones.

7.10.070 New developments.

~~A. Per EMMC 17.30.080, Tier II residential bonus density entitlements (optional), development density areas participating in the street trees, enlarged park strips, fencing, and street signposts option shall be eligible for an additional 0.7 dwelling unit per acre bonus density entitlement.~~

17.90.080 Disapproval/denial of rezoning applications.

Disapproval or denial of an application to amend the zoning of a property shall preclude the filing of another application to amend the zoning or to reclassify the same parcel of property, or any portion thereof, to a different zoning classification, ~~to a different residential density tier~~, or if the application is for a commercial classification to the same or any other commercial classification, within one year of the date of the final disapproval of the application, unless the city council finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period. Prior to the city accepting a new rezone application within the one-year period, the city council must approve a request to resubmit rezone application, clearly stating the new evidence and/or substantial changes in circumstances. An applicant is not entitled to have a request to resubmit rezone application considered by the city council, and such a request shall only be included on the city council agenda in accordance with EMMC 2.15.030. [Ord. O-05-2016 § 2 (Exh. A)].

Proposed Code Amendments – Removing Base Density Language

16.35.100 Sidewalks, trails, and pathways.

Sidewalks shall be provided along both sides of streets, at the developer's expense, and in compliance with the detailed performance standards of "Eagle Mountain City Construction Specifications and Standards." Sidewalks are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC.

A. Developments Not Requiring Sidewalks. Sidewalks are not required along alleys. Sidewalks, curbs, and gutters may not be required in agricultural, ~~base-density RA1~~, or Tier I residential developments (see EMMC [16.30.090](#) and Chapter [17.25](#) EMMC). Notwithstanding other provisions of this title, the city council may determine in the development agreement that sidewalks will not be required on one or both sides of the street. Such determination may be made if lot sizes, traffic patterns, wider roads or other related design factors support a more flexible approach. If sidewalks are not required, the city council may specify the completion of other public facilities in lieu of sidewalks.

B. Improved Trails. Developments shall provide improved trails and pathways constructed to "Eagle Mountain City Construction Specifications and Standards" for bicycle and/or horse use which connect the development to other public facilities such as parks or the major existing and planned trails established in the city's general plan. Connecting trails are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC.

C. Street Lighting. Street lighting shall be installed where necessary to ensure the safety of pedestrians, but may not be required in agricultural, ~~base-density RA1~~, or Tier I residential developments (see Chapter 17.25 EMMC), except at subdivision entryways. [Ord. O-16-2016 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.10); Ord. O-07-2006 § 2 (Exh. 1 § 7.10); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.10)].

17.10.030 Definitions.

"Bonus density" means any density granted above the ~~base-density RA1~~ of 0.8 dwelling units per acre.

"Residential, ~~base-density RA1~~" means the residential zone category that consists of projects with gross densities less than or equal to 0.8 dwelling units per acre. All residential projects are allowed to develop at this density.

17.60.090 Required landscaping.

A. Portions of property that are not developed with structures, rights-of-way, driveways, and parking areas shall be required to be landscaped in all zones (except in the ~~residential base-density RA1~~ and Tier I categories and the agriculture zones). Commercial, industrial, and multifamily dwellings shall adhere to the minimum landscaping standards contained in Table 17.60.160(a), Required Landscape Improvements for Multifamily. The planning commission shall have authority to waive these standards as circumstances dictate.

16.30.080 Rural residential subdivisions.

Subdivisions that are to be reviewed under agricultural, ~~base density~~ RA1, or Tier I residential zone development standards (see Chapters [17.20](#), [17.25](#) and [17.30](#) EMMC) may not be required to install the same public improvements as subdivisions developed in other zones. Requirements to install curbs, gutters, sidewalks, water and sewer utilities, and street lights may be waived by the city council after a recommendation from the planning commission, upon condition that the developer provides for pedestrian circulation and accommodates water and sewer utilities and surface drainage throughout the subdivision. Necessary facilities may include, but not be limited to, trails and pathways, storm drainage detention ponds or secondary water facilities. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.9); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.9). Formerly 16.30.090].

17.65.060 Generally applicable standards for all home businesses.

N. Long-Term Storage. Long-term storage shall be permitted as a conditional use in agriculture and ~~base density~~ RA1 residential developments under the following circumstances:

1. Minimum lot size: two acres.
2. All storage must be within a legal permitted enclosed structure that maintains the aesthetic qualities of the primary use of the property and the surrounding area.
3. Use must remain secondary to primary residential use of property.
4. The community development director or his/her designee may limit hours of operation and/or total number of clients if necessary to protect the character of the neighborhood. [Ord. O-26-2018 § 2 (Exh. A); Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.6); Ord. O-02-2006 § 3 (Exh. 1 § 13.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.6)].

17.70.060 Approval criteria.

G. Detached Structures. Accessory apartments shall only be permitted in a detached structure away from the principal building on the lot in the ~~base density~~ RA1 or Tier I categories of the residential zone, or in the agriculture or airport zones.

Proposed Code Amendments – Removing Bonus Density Language

17.10.030 Definitions.

“~~Bonus density~~” means any density granted above the base density of 0.8 dwelling units per acre.

“~~Bonus density~~ ceiling” means the maximum allowable density available in any particular residential zone category.

~~Chapter 17.30~~

~~RESIDENTIAL ZONE BONUS DENSITY ENTITLEMENTS~~

7.10.070 New developments.

A. Per EMMC ~~17.30.080~~, Tier II residential ~~bonus density~~ entitlements (optional), development density areas participating in the street trees, enlarged park strips, fencing, and street signposts option shall be eligible for an additional 0.7 dwelling unit per acre ~~bonus density~~ entitlement.

16.10.040 General considerations.

E. Development Agreement. Creation of a development agreement that identifies land uses, zoning, residential densities, nonresidential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, ~~bonus density~~ systems and phasing of the development shall be executed upon approval of the master development plan. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.4)].

16.35.105 Park and improved open space requirements.

The amount of land required for parks shall be calculated during the master development plan, preliminary plat and/or site plan approval process, according to the requirements in Chapter 17.30 EMMC, Residential Zone ~~Bonus density~~ Entitlements. The park requirements are intended to be flexible in order to best meet the recreational needs of a neighborhood.

16.40.090 Impervious cover on slopes – Diagram 16.40.090.

Minimum guidelines shall be incorporated into the erosion and runoff control plans and will govern the amount of impervious area that can be placed on lots of various grades and soil conditions. The limitation of impervious areas shall be taken into account by the developer and ~~bonus density~~ entitlements shall not be calculated on or given for slope and soil constrained lands unless otherwise agreed upon by the planning commission and city council. Diagram 16.40.090, Impervious Area Limitations by Slope and Soil Characteristics, depicts the maximum area of a parcel that may be developed as impervious cover based upon the property's average

slope (predevelopment) and soil conditions. Property that has an average slope between eight and 25 percent shall comply with Diagram 16.40.090 and the following standards:



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 28, 2020**

TITLE:	DISCUSSION ITEM - Fencing Requirements and Standards		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

PRESENTED BY:

Michael Hadley

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:



EAGLE MOUNTAIN Planning Commission MEETING MINUTES

June 23, 2020, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

COMMISSION MEMBERS PRESENT: Matthew Everett, Rich Wood, and Brett Wright. Commissioner Wells arrived at 5:58 p.m. Commissioner Christopher Pengra was excused.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Long-Range Planning Manager; Michael Hadley, Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; and Elizabeth Fewkes, Recording Secretary.

Commissioner Wood called the meeting to order at 5:30 p.m. and thanked staff for the comprehensive notes and materials provided for the meeting.

1. Discussion Items

1.A. Development Code Amendment – Special Use Standards – Discussion Item

Long-Range Planning Manager Pete Kane explained that where the City has shifted from conditional uses to special uses governed by specific regulations, he and Planner Jessa Porter are researching special use standards within other municipalities and are reorganizing the section of Municipal Code regulating special uses. Mr. Kane stated he will provide a special use working document to the Commissioners for review.

Assistant City Administrator/Community Development Director Steve Mumford stated depending upon the amount of feedback from the Commission, the special use standards would either return to a work session for further consideration or to a policy session for approval, if further discussion was not necessary.

1.B. Development Code Amendment – Tier Language Removal – Discussion Item

This item was not discussed.

1.C. Development Code Amendment – Industrial/RTI Overlay Zone and Extractive Industries Overlay Zone – Discussion Item

Commissioner Wood stated the Industrial Zone can be a benefit to the City and stated his desire to delineate use standards for the Industrial Zone and the Light Manufacturing/Distribution Zone.

Mr. Kane stated that it may be appropriate to include the same uses across multiple zones such as to provide use connectivity between zones and suggested limiting undesired uses with any potential type of pollution, including light, ground, or sound, to a manufacturing zone. He stated high-pollutant, heavy manufacturing uses are unlikely to be developed within Eagle Mountain City.

Discussion ensued regarding desired varied and shared use standards for the zones and the purpose and need for each zone.

Discussion ensued regarding transportation infrastructure needs to support distribution centers and industrial uses, other manufacturing uses, desirable and undesirable industrial uses, and standards to discourage less-desirable uses and to invite desired uses.

The Commission and staff discussed concerns regarding the Extractive Industries Overlay Zone with direction to staff to research existing extraction activities within the City and legal and State requirements regarding the permittance of extractive activities.

1.D. Development Code Amendment – Historical Preservation Zone – Discussion Item

Mr. Mumford explained the zone was created as a requisite to qualify for historical preservation grants and suggested either applying historical preservation standards to the entire City or creating an overlay zone that may be applied to individual areas. Discussion ensued regarding historical preservation qualification standards, potential noncompliance penalties, local historic district registries, and preservation standards used for buildings versus historic lands and landmarks.

Commissioner Wood recessed the meeting from 6:27 p.m. to 6:32 p.m.

6:30 P.M. – Eagle Mountain City Planning Commission Policy Session

2. Pledge of Allegiance

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

For purposes of full transparency, Commissioner Wells stated that she lives in a neighborhood adjacent to the Sunset Flats Park development.

4. Approval of Meeting Minutes

4.A. June 9, 2020 Planning Commission Meeting

MOTION: *Commissioner Everett moved to approve the June 9, 2020 minutes. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Rich Wood. Erin Wells abstained. The motion passed with a unanimous vote.*

Commissioner Wells clarified her abstention was due to her absence from the June 9, 2020 meeting.

5. Status Report

Mr. Mumford stated a detailed status report had been provided electronically to the Commission. He verified the Business Park Zone amendments had been approved and the Warehouse Farming Overlay Zone had been tabled.

6. Action and Advisory Items

6.A. PUBLIC HEARING – 7-Eleven Conditional Use Permit – Action Item

Planning Manager Michael Hadley presented the item. The Planning Commission recommended approval of the proposed site plan to the City Council on May 12, 2020. This application is for a conditional use permit required under previous Municipal Code commercial standards in place when the City received the project application. The Planning Commission is the approval authority for conditional use permits, and has the option to approve with conditions, table, or deny the application.

Mr. Hadley explained the Planning Commission shall approve a conditional use permit upon determining that the project complies with all applicable standards; the proposed project does comply with all regulations regarding commercial uses, site plans, and special uses contained within the City Municipal Code. The General Plan indicates the use for this property as Community Commercial, which is the equivalent to the Commercial Community zoning in the current City Municipal Code. The 7-Eleven is a permitted use in the Commercial Community zone.

Mr. Hadley stated the project is located on a major commercial intersection, providing desired uses and services to the City, and he indicated the distances from the gas station to the park, church, and other neighboring locations as and stated the project complies with setback requirements.

Staff recommends the following conditions, should the Planning Commission determine to approve the 7-Eleven conditional use permit: the applicant shall locate all tank vents at the furthest possible location away from the residential uses; all rear lighting shall be contained to the building or limited in height to the fence height and all lighting shall be shielded downward; and the hours of operation of the convenience store shall be limited. The applicant informed staff that 7-Eleven stores operate 24 hours a day and remain open all year, including holidays. The site plan contains a canopy lighting plan.

Residents in the adjacent neighborhood submitted a petition pertaining to concerns regarding health, safety, and welfare of the people living close to the gas station.

Commissioner Wells inquired about the status of the City-owned land south of the 7-Eleven property. Commissioner Wood cited communication received from the City Attorney that

indicated the land as entryway landscaping, not park space, and does not create a violation regarding standards governing the sale of alcoholic beverages.

Commissioner Everett verified with staff that other gas stations within the City only have hours of operation restrictions for carwashes.

Mr. Hadley clarified the limited hours of operation was recommended before staff was informed that 7-Eleven stores are open 24 hours a day and was included for the Commission's discussion and consideration.

Commissioner Wells noted a Chevron gas station location is within 500 feet of Nolan Park and inquired if the approval of that gas station predated current setback standards. Mr. Hadley said he was unaware if the standards had changed since that approval.

Commissioner Wells inquired about traffic flow in the area, due to concerns expressed in resident communications. Mr. Mumford stated the City Engineer advocated to retain the majority of the raised median on Porter's Crossing south of Pony Express Parkway to mitigate oncoming, head-on collisions and suggested removing approximately 80 feet (4 car lengths) of the northern portion of the median to provide a left-hand turn lane from southbound Porter's Crossing Parkway to the 7-Eleven location.

Applicant representative Ryan Forsyth stated they had reviewed resident communications and concerns. He spoke with representatives from 7-Eleven and fueling contractors at Westech Equipment and Petro West Inc. regarding 7-Eleven practices and protocols to protect the environment and the community. The pipes and the tanks are double-walled and alarmed, and the vent tubes are placed as far from residential units as possible. He said the vent tubes for this location will be over 300 feet from the closest residential property.

Mr. Forsyth concurred that the City-owned land south of the property is not a park and stated it would be problematic to consider all City-owned undeveloped land as park space. Mr. Forsyth confirmed 7-Eleven's model is to always remain open and to carry more products than other convenience stores in order to meet diverse customer needs, particularly when other stores are closed. He explained that the owner of the commercial and residential properties in the vicinity expressed frustration that some residents felt misled, as the northern portion of the property had always been intended for commercial uses. He said the plan has been adapted to prevent light pollution to comply with the dark sky ordinance.

Mr. Forsyth expressed the desire to be a good neighbor and to provide a beneficial service to the community. He wants to reassure residents that due to strict government regulations and standards and liability concerns, safety practices are in place to prevent accidents and protect residents. He stated the gasoline sales projection for the site is 1.2 million gallons per year, or just under 100,000 gallons per month.

Commissioner Wells inquired regarding safety practices to address small spills during fueling and ground water pollution concerns.

Environmental scientist Sean Warner with the Underground Storage Tank Section of the Department of Environmental Quality at the Department of Environmental Response and Remediation stated store attendants are trained and equipped with a spill kit to clean up spills of less than 25 gallons of fuel. He explained that a 2005 energy act requires all store attendants to complete a Class C training addressing emergencies and spill cleanup, and he explained the cleanup process for small spills.

Mr. Warner noted that gasoline storage tanks are located as far from residential units as possible. He explained the stage one vapor recovery safety practices during gasoline delivery and stated that if the pressure in the system exceeds three psi, most systems have additional safety measures to vent any escaped fumes through the canopy to increase dispersal and to prevent vapors pooling on the ground during cooler conditions. All systems have pressure vacuum valves installed in accordance with State-mandated vapor recovery standards.

Commissioner Wood opened the public hearing at 7:05 p.m.

Commissioner Wood noted the Commission reviewed communications received from the Stop Gas Station Construction in Our Backyards—Resident Petition, the Eagle Mountain Healthy Neighborhoods Alliance Planning Commission Letter, and the Gas Station Study Overview—Staff Memo to Planning Commission, and the communications are entered into the record of the meeting.

Resident communications against the item were received from Marie Haynie, Jake Summers, Diana Anderson, Amy Slade, Emily Park, Kilee Luthi, Justin Ricks, and Tyler Anderson, and resident communications in favor of the item were received from Paul and Angie Simpson. Full resident comments are attached to the minutes.

Commissioner Wood closed the public hearing at 7:18 p.m.

Mr. Warner stated benzine is a volatile carcinogen, but gas stations are safer than in the past due to strict safety regulations including stage one vapor recovery that prevents vapor leakage. He said 7-Eleven has hired a third-party contractor to perform the required monthly safety inspections and equipment reports which are submitted to the State for review. Mr. Warner explained that increased safety policy standards in a 2008 energy act require double walls for in-ground tanks and pipes, pipe drainage into tank top sumps, and increased training for attendants. He stated the harmful additive addressed in one of the studies cited in the Eagle Mountain Healthy Neighborhoods Alliance Planning Commission Letter is now prohibited.

Mr. Forsyth explained that vents will be a minimum of twelve feet high and either located in the landscaping as far from residential units as possible, or in the canopy. He expressed a willingness to locate the vents in the City's preferred location.

Commissioner Wright requested additional clarification regarding State oversight and regulations, and regarding stage one and two vapor recovery.

Mr. Warner verified stage two vapor recovery is not required in Utah due to 2014 regulations which require new vehicles to include stage two vapor recovery fuel systems. He explained the process in which gas stations receive certificates of compliance including permits, fees, and various safety inspections during each phase of installation. Once in operation, gas stations receive a conditional inspection within the first three months of operation. Three annual tests include a line tightness test, leak detector test, and an automatic tank gauge test. Every three years, the stool buckets, sumps, and overfill are tested. He stated 7-Eleven also has internal safety standards that typically includes a manager completing a daily safety form.

Commissioner Wells requested that Mr. Warner address the resident concern quoted from a 2015 study *Hydrocarbon Release During Fuel Storage and Transfer at Gas Stations: Environmental and Health Effects* which states, "It is important to note that vapor recovery at the nozzle can cause vapor releases at the storage tank, because vapors recovered at the nozzle are typically directed into the storage tank. The storage tank, in turn, can 'breathe' and potentially release recovered vapors immediately or at a later time."

Mr. Warner explained the study indicated stage two vapor recovery and detailed the vapor two recovery systems installed at gas stations in California. He reiterated vehicles built in or after 2014 include stage two vapor system recovery filter systems that route vapors back into the gas tank where the fumes return to a liquid state.

Commissioner Wells asked if small spills could potentially contaminate ground water.

Mr. Warner said small gasoline spills evaporate. On the other hand, small diesel spills, if not cleaned up properly, could seep through cracks in the cement or around tanks and accumulate over time, pass through the pea gravel layer, and cause contamination; however, the potential for contamination from small diesel spills is unlikely and does not pose a major concern. He stated the life expectancy and warranty on the fuel tanks is thirty years, and ground contamination can be best addressed during tank removal and replacement. He stated ground water contamination may occur during a significant incident if a large spill runs into a direct pathway to the water supply or seeps through porous soils. He said 7-Eleven has pollution liability insurance coverage of up to 2 million dollars to remediate fuel spills and the store owner is required to fund any additional expenses.

Commissioner Wood stated that as gas stations are heavily regulated and 7-Eleven implements additional safety practices, he believes the health risks for residents have been sufficiently addressed and mitigated. He said the City has not had issues with the other gas stations located within similar proximities to residential units.

Commissioner Everett stated his appreciation for resident time and effort in finding studies to bring to the attention of Planning Commission which expressed resident concerns and staff's research to address concerns. He said he reviewed the studies; however, nothing presented gave grounds for denial of the permit. He stated City Municipal Code does not include setback standards for the location of a gas station to residential units. He noted the difficulty in interpreting what constitutes a nuisance to residents, as what one individual views as a nuisance, another may view as a benefit. As such, he expressed the opinion that the gas station did not qualify for denial due to being a

nuisance to residents. He stated his preference not to impose limitations to the hours of operation to ensure consistency with restrictions to other gas stations within the City.

Commissioner Wells stated that as she is not an expert in this field, she defers to the assessment and standards stipulated by the regulatory entities; however, the potential for a spill or contamination does cause her some concern. She stated she did not feel qualified to impose standards not required by the Environmental Protection Agency or other government entities. She noted the importance of precedence in legal matters and said Planning Commission approvals of gas stations were upheld when appealed in other Utah cities.

Commissioner Wright concurred with Commissioners Everett and Wells. He expressed compassion for resident concerns and explained the Planning Commission's role to approve or deny a conditional use permit based upon finding of facts. He quoted Utah Municipal Code 10-9s-507(2)(a)(ii): "The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects." He expressed the desire to address resident concerns without being unfair to the property owner, especially as the request is in accordance with Municipal Code requirements. He stated after review of the application, he found no grounds for denial.

Commissioner Wood stated as the approval authority for conditional use permits, the Planning Commission is bound to adhere to City and State Code standards regarding approval. The Planning Commission is legally obligated to approve the conditional use permit, unless the permit fails to meet Municipal Code requirements.

MOTION: *Commissioner Wright moved to approve the 7-Eleven convenience store conditional use permit with the following conditions:*

- 1. The applicant shall locate all tank vents at the furthest possible location away from the residential units; and*
- 2. All rear lighting shall be contained to the building or limited in height to the fence height and all lighting shall be shielded downward.*

Commissioner Wood seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.

6.B. Sunset Flats Park – Amended Preliminary Plat – Action Item

Planner Jessa Porter presented the item. The Sunset Flats preliminary plat was approved by the City Council on November 20, 2018. This application is to amend the development's park plan to add a private pool, which will be maintained by the homeowner's association (HOA).

The required 8.82 acres of open space is provided. The breakdown of the approved open space before the proposed amendment included a 7.02-acre park and a 2.8-acre trailhead park. The proposed breakdown of the open space includes a 6.52-acre park and a 2.8-acre trailhead park. The acreage requirements for the development are still being met as the total proposed open space is 9.32 acres.

The amended park plan includes a private pool complex, a drop off zone, a 960 square foot pavilion, a tot lot, and four pickleball courts. The Park and Improved Open Space standards state improved open space shall enhance the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, recreational amenities, or a general appearance of openness. The parking requirement for "parks and playground" does not include a specific parking calculation. The proposed parking includes 24 stalls for the private pool, 27 stalls for public park, with the requirement that the applicant provides 3 ADA stalls.

Commissioner Wood expressed concern regarding changes to the amended preliminary plat, in addition to the pool, and the exclusion of an amenity worksheet.

Mr. Hadley stated discussions with the applicant indicated the installation of all the amenities included in the previous preliminary plat.

Commissioner Wright expressed concern that the materials submitted by the applicant did not reflect the verbal indications of the amenities included in the park plan and stated a desire for clarification from the applicant regarding the amended plan.

Commissioner Everett inquired if the parking lot would be maintained by the HOA or the City as parking could be used for either the private pool or the public park amenities.

Commissioner Wood verified that no other area in the City has parking shared by private and public amenities.

Applicant representative David Lewis IV with D.R. Horton stated the amended preliminary plat changes the layout for the park and adds a pool while retaining the other amenities included the approved preliminary plat and represents the same number of amenity points. He recommended signage to identify the parking stalls reserved for the private pool.

Commissioner Wood inquired regarding enforcement of the parking assignments. Mr. Lewis stated the number of parking stalls being provided would, hopefully, prevent public and private parking overlap issues.

Commissioner Wood reviewed the park amenities listed in the master development agreement and the amended preliminary plat park plan. He stated the addition of the pool does not increase the amenity points for the project, as it will only be for the use of residents within the Sunset Flats Park HOA.

Mr. Lewis expressed understand regarding the Commissions' confusion as the renderings for the amended preliminary plat park plan did not illustrate all the amenities included in the master development plan park plan renderings and reiterated the intention was to install all the amenities listed in the master development plan.

Commissioner Everett expressed concern regarding a decision to recommend approval to the City Council without an amenity worksheet and accurate park plan renderings to visualize and verify the inclusion of the promised amenities, especially a public restroom. He stated the proposed park

amenities including pickleball courts would be of benefit to the City. He verified that only the pool and the pool parking would be private and HOA maintained.

Commissioner Wells cited current retention basin Municipal Code standards and inquired if the proposed detention basin in the application met requirements to be counted as improved open space. Mr. Mumford clarified the current Municipal Code standards applied to this application.

Mr. Lewis stated the detention basin plans had not changed and said he was unaware of the material proposed for the detention basin area. He stated the detention basin could be relocated to a more accessible location, if desired.

Commissioner Wells suggested a play area near the pickleball courts.

Commissioner Wood suggested increased landscaping surrounding the detention basin.

Commissioner Wells cited Municipal Code trail connectivity requirements and inquired regarding trail connections to City sidewalks. Mr. Mumford stated asphalt trails or sidewalks along Bobby Wren Boulevard and a neighborhood road adjacent to the park will connect to the park trails.

Commissioner Wood requested clarification regarding the location of the detention pond. Mr. Mumford explained the detention pond had been relocated to the lowest point in the subdivision and concurred with the preference for the improvement of the detention pond to useable park space.

Mr. Hadley verified subdivision trail and sidewalk connectivity will include the area near the detention pond.

Commissioner Wright verified at the discretion of the Planning Commission and City Council, up to 75 percent of the square footage of the detention pond area could be counted towards the improved open space requirement.

Further discussion ensued regarding the Commission's previously noted concerns regarding the amended preliminary plat. Commissioner Everett suggested tabling the application until an amenity worksheet and accurate renderings are provided.

Commissioner Wood directed the applicant to provide a revised park plan and amenity worksheet detailing the division of private and public parking and amenity locations and features, including if the detention pond will be improved park space.

MOTION: *Commissioner Everett moved to table the Sunset Flats Park amended preliminary plat until the applicant shall provide an amenities sheet, excluding private uses, and a detailed park plan indicating public and private uses. Commissioner Wood seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.*

7. Discussion Items

8. Next scheduled meeting

Commissioner Wood requested that special uses standards, tier language removal, and industrial uses and zoning be included on the agenda for the July 14, 2020 work session. Commissioner Wright requested to discuss the master development agreement process during an upcoming work session. Commissioner Wood requested to include a master development agreement discussion on the next work session agenda.

9. Adjournment

MOTION: *Commissioner Wells moved to adjourn the meeting at 8:49 p.m. No second or vote was called.*

The meeting was adjourned at 8:49 p.m.

Approved by the Planning Commission on July 14, 2020.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

Resident Communication

Hello,

I'm writing as a concerned homeowner in the Oak Hollow neighborhood. I'm concerned about the 7-Eleven gas station. I have read through the petition, the memo and the report. I have also read through the studies.

Each study concludes that there are health risks to living close to a gas station. Each study concludes that those risks are minimized the farther away the residence is. While they differ on the severity of the risks and the recommended distances, it is clear that the risk exists and it is highly probable that the distance of less than 500 feet poses a health nuisance and hazard for those homes and recreation areas (in this case, the playground of Pony Express where my son was in preschool and the neighborhood park).

In a time where the collective health of our homes and communities is of utmost importance, I do not want the city to take this risk with any neighborhood, but especially mine. I am deeply concerned about the negative air quality effects from living within 500ft of the gas station. My family and I have been spending more time than ever before in our home. We have spent the past several months trying to make our home a safe place for a healthy family, including testing for radon and installing a mitigation system as recommended by the EPA and following all other recommendations from health experts about social distancing, wearing masks, etc. This has not been easy or inexpensive, but health is worth it.

I hope our efforts towards community and family health improvements will not be undermined by the presence or even the risk of the presence of in-home benzene levels (of which there is no acceptable level, according the World Health Organization Guideline for Indoor Air Quality).

Secondary to health, I am concerned about the impact to home values. A 7-Eleven with a gas station and a dollar store are not the kind of businesses I want to be associated with my neighborhood. My home is the most expensive investment I've ever purchased, and to relate it to places to buy cheap, throw-away goods is the most unhelpful commercial connotation I can think of for home value impact.

Please deny the plat amendment for the 7-Eleven because of the public health hazards foremost with secondary consideration to the neighborhood environment impact. I would not make the same home investment in Eagle Mountain if there was a gas station there today.

Kindly,
Maria Haynie
7902 Willow Oak Way
Eagle Mountain, UT 84005

As residents of Eagle Mountain we know the town will continue to see lots of growth. When we moved in we knew the grassy fields wouldn't stay vacant forever. We look forward to new

experiences and businesses investing in our area. We don't see a convenience store or gas station as a threat to our health or property value. We hope the 7-11 is approved!

Paul and Angie Simpson

Eagle Mountain City Planning Commission, I anticipate that there will be a number of letters or emails from residents of Oak Hollow making public comment about the 7-11 Gas Station. I would ask you to please read this letter, in addition to the others. In the past, the Planning Commission has made public remarks about the lack of involvement from the Oak Hollow Community in regards to the original site plan. However, at the last public hearing, the planning commission looked only for a summary of the public comment, rather than reading the comments of those who voiced their concern. Please take the time to listen to all the concerns from the residents of Oak Hollow.

Burden of Proof The burden of demonstrating substantial compliance with the requirements and standards of the Eagle Mountain City Land Use Ordinance rests with the developer or the property owner. EMMC 17.05.100. Eagle Mountain City ("the City") adopted the Land Use Ordinance and uniform codes to "provide minimum standards for protecting the public health, safety, and welfare through regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all private and public buildings, infrastructure, and public facilities." EMMC 17.05.080. When local codes, along with state or federal laws impose additional requirements on activities governed by this title, the most restrictive shall apply. *Id.* (emphasis added). You may see from the various letters or emails from the residents, that they feel their concerns have been dismissed or scoffed at by the Planning Commission. I believe that this sentiment is based in the past actions and comments. Rather than requiring the developer to carry their burden, the Planning Commission recommended the City Council approve the development without seeing various portions of the development plan (i.e., lighting). Moreover, it was not even originally noticed up as a Conditional Use, until Oak Hollow residents voiced concern. While I don't share all the same concerns, as my fellow Oak Hollow residents, the proposed recommendations prepared by City staff once again took on the developer's burden. Time and time again, a developer states that the "need" something, residents voice opposition and the Planning Commission disregards the residents' concerns. Further, it should be noted that the City Staff Recommendation Memorandum fails to address the specific requirements for the conditional use permit under EMMC 17.75.030. Rather, the City Staff Recommendation Memorandum only address the general requirements for conditional use permits.

Automobile Service Station Conditional Use Automobile service states are conditional uses. EMMC 17.75.030. A conditional use requires a "special permit that is approved subject to the use meeting standards contained" in the Land Use Ordinance. EMMC 17.10.030. In particular, an automobile service state "may be permitted only", among other requirements, where:

1. They will not be a nuisance to residences and other surrounding uses.
2. They will not cause traffic hazards or undue traffic congestion.
3. Driveway design and spacing for automobile gas/service stations operations shall be reviewed by the city engineer, whose recommendation will be forwarded to the planning commission.
4. The minimum closest distance from the automobile gas/service station with gas pumps site to an existing school, park, playground, museum or place of public assembly will be not less than 500 feet.

These requirements, and the others listed in EMMC 17.75.030, are absent from the City Staff recommendation.

Nuisance If an automobile gas/service station with gas pumps is prohibited from being within 500 feet of any school, park, playground, or place of public

assembly, where the presence of individuals is transitory; it is hard to believe that the Planning Commission, or City Council would argue that an automobile gas/service station with gas pumps within 150 feet of a residence would be anything other than a nuisance. While the EMMC does not define nuisance, Black's Law Dictionary defines nuisance as something which "affects, interferes or otherwise negatively impacts another's ability to use and enjoy their own property and which may affect health, safety and welfare. Again, many residents have provided studies and concerns about how the issuance of a conditional use permit for an automobile service station would create a nuisance. Further, City Staff's Memo "Gas Station Studies – Overview" corroborates many of the Oak Hollow resident concerns. It specifically acknowledges that "exposure to volatile organic compounds (VOCx) and benzene does play a role in preterm births as well as acute leukemia in children". Gas Station Studies – Overview at p. 1. It substantiated concerns about air quality. Further, it failed to summarize the study related to property values. The "Overview" listed that study as "The Impacts of Gasoline Stations on Residential Property Values". Overview at p. 3. That study is blocked by a pay wall, but its journal abstract corroborates that gasoline stations have a negative effect showed a 16% reduction in housing price within 100-meter band. The City Staff Gas Station Studies – Overview provides the exact basis for why there is a prohibition for gas pump automobile service stations within 500 feet of parks, schools, etc. If the use of parks, schools, and churches are temporary and transitory – a residence should be afforded greater protection from nuisance. It further corroborates many of the concerns of the Oak Hollow residents' concerns. But rather, than requiring the developer to meet its burden, the City Staff recommendation is silent as to this requirement in 17.75.030, and recommends the development get a conditional use permit. Traffic Congestion At the last Planning Commission hearing, the developer argued that the median on Porter's Crossing needed to be removed for consumer traffic and truck refueling traffic. Without giving any regards to the traffic congestion and hazard prohibition, the Planning Commission proposed removal of the Porter's Crossing median. I'd direct you to Utah Department of Transportation's Information about Raised Medians and how keeping the median on Porter's Crossing will continue to reduce traffic congestion and prevent accidents. (See https://www.udot.utah.gov/main_old/uconowner.gf?n=20241304129208202.) The removal of the median creates both a traffic hazard and traffic congestion. The removal is not necessary for other 7-11 developments. See the Lehi 7-11 development cited by City Staff. It has ONE entrance that is right in, and right out only. City Engineer Driveway Review The City Staff Recommendation and available public information fails to provide the City Engineer review requirements under EMMC 17.75.030. Failure to properly consider all the requirements of a Conditional Use Permit lays the foundation for a subsequent legal action to undue the land use decision. Conclusion Thank you for your time and understanding. I am excited about the economic development of the City, but that development needs to be balanced with safety and livability. Please with the concerns of the Oak Hollow residents thoughtfully, and please require the developer to meet their burden under the Utah Municipal Code and Eagle Mountain Municipal Code. Consider the impact of removing the median on the safety and traffic flow of Porter's Crossing for the immediate neighborhoods, and the entire City. A well-designed Porter's Crossing and Pony Express Parkway benefit not just the residents, but businesses too.

Respectfully, Jake Summers

Members of the Planning Commission,

Thank you for reviewing the reports I and my neighbors submitted voicing our concerns regarding the health and safety of the residents of our community as it would be impacted by the proposed 7-11 Gas Station. The current city code requires that a gas station not pose a “Nuisance” and the plat ammendment required for this project, cannot be granted unless it is found “that neither the public or any person will be materially injured.” Upon reviewing the memo posted, I have found that several of our critical health concerns were inadequately addressed if at all.

Page 83 of the memo, under the **Installation** section, states that double walled tanks would be used to capture the vapors during delivery. However, the 2019 study we previously shared actually shows that this vapor recovery system exacerbates the release of harmful compounds into the atmosphere.

Later, at the end of page 84, it is mentioned that a 300 foot requirement between gas tanks and homes is being considered. Our consultant from CEDS noted that many jurisdictions that adopt a 300 foot setback later increase the setback to 500 feet or more based on more recent studies.

On page 85, it is noted that several of the studies cited in our report are from various parts of the world. While is true, the 3 most relevant and recent studies were conducted in the US and have important findings regarding the safety of gas stations in proximity to homes.

Further down the page, it is acknowledged that benzene is linked to preterm births and acute leukemia in children. It should be noted that the World Health Organization found NO safe level for benzene. Each of the studies present show substatial benzene release from gas stations which would inevitably endanger the dozens of children that live less than 500 feet away from the proposed location.

On page 86, the 2015 study is cited to say that hydrocarbons may be released during fuel storage and transfer, however, careful examination of the more recent 2019 study shows that vapor capture, as proposed, may actually exacerbate the release of harmful chemicals.

Lastly, earlier this afternoon, another study conducted in February of 2020 was found and discusses in detail the Vapor emissions during refueling on vehicles. This report was sent as soon as it was received. They report that “emissions occur not only at the beginning and end of refueling but also throughout, in contrast to a prior study which did not detect increases in atmospheric hydrocarbon levels mid-refueling.”

This study was authored by Dr. Markus Hilpert, a professor at Columbia University, who is considered to be the national expert on the matter of gas station emissions. Our consultant is reaching out to him to see if he might available for a consult with members of the planning commission to answer any questions you may have prior to making a decision.

For these reason I urge you to at least defer your decision, if not deny your approval for this project. Thank you for your time and all you do to keep our citizens safe.

Diana Anderson

Hello-

I am emailing to share my concern With the placement of a gas station on the corner of Pony Express and Porter's Crossing. My family resides in the Oak Hollow neighborhood not 500 feet from where the gas station could be, and I am very concerned about the health impacts of living so near a gas station.

I strongly urge the city council to read through the reports and studies our neighborhood health alliance has provided, regardless of any staff memo sent out mitigating concerns. It is my understanding that many individuals have already outlined the problems with above mentioned memo and shared more thorough arguments as to the reason a gas station so close to our community is not a good idea or even technically allowed within city code. My plea is simply a personal request to consider the lives and opinions of those of us most impacted by the placement of this gas station.

As a community, the majority of us simply do not want the gas station this close. As the matriarch of my family, I am already dealing with several life threatening illnesses and conditions that put me on alert every single day to keep my family alive. My home has been the safety we return to-a place we can feel comfortable letting our guard down a bit and not worry as much about the introduction of new health hazards. With the introduction of the possible health risks a gas station nearby would cause, even that moment of comfort and safety within the walls of my own home would be taken away.

Please. Please reconsider this gas station placement. The lives of our small community are more important than any other financial or professional development deemed desirable for the city.

Amy Slade

Hello. I am emailing to express my extreme concern over the placement of a gas station on the corner of Pony Express and Porter's Crossing. I am a resident of the Oak Hollow community and live less than 500 feet from where the gas station is proposed to be. I am very concerned about the health impacts that being so near a gas station can cause.

As part of the neighborhood health alliance, I strongly urge the city council to read through the reports and studies we have provided. I also understand that a staff memo was put out to try and mitigate some concerns.

The memo focuses on leaks from the tank and distribution lines. While it is true that this is no longer a concern, staff failed to fully consider the 2019 study which showed that it's the release of benzene from tank vents which is the concern, a study that was conducted in the U.S. Staff then cites two cases that were litigated though it is unclear what the significance of that is.

There are a number of errors in the Gas Stations Studies memo. For example, the relevance paragraph cites vacuum systems as a solution to health effects. The following excerpt from the 2015 paper puts the vacuum systems in context:

"It is important to note that vapor recovery at the nozzle can cause vapor releases at the storage tank, because vapors recovered at the nozzle are typically directed into the storage tank. The storage tank, in turn, can "breathe" and potentially release recovered vapors immediately or at a later time. A tank sucks in relatively uncontaminated air as the liquid fuel level drops in the tank due to vehicle refueling, and it releases vapors through the vent pipe into the atmosphere if the gas pressure increases and exceeds the cracking pressure of the pressure/vacuum valve, when fuel evaporates into unequilibrated gas in the headspace."

The current city code requires that a gas station not be a "nuisance" and the Utah legal definition of nuisance includes health hazards (see the petition we circulated). I believe the research we presented sufficiently proves it to be a health hazard. Furthermore, this project requires a plat ammendment to divide the plot in two and the code states that a play ammendment cannot be granted unless it is shown not to be injurious to health or property. I'm hoping that this gives you enough legal ground to deny the project based on the studies and current code requirements.

Please please please reconsider this gas station placement. My neighbors and I do not want it near us.

Emily Park

To whom it may concern:

I wanted to add my voice to those working against approving the 7-11.

Here is a link to the petition we have circulated, which cites research regarding the health risks of having a 7-11 this close to our neighborhood:

https://www.change.org/p/city-of-eagle-mountain-gas-stations-don-t-belong-in-backyards?utm_content=cl_sharecopy_22424791_en-US%3Av3&recruiter=1094178517&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition&utm_term=psf_combo_share_message&use_react=false

Here is another link to research conducted on our behalf:

<https://ceds.org/wp-content/uploads/2020/06/Eagle-Mountain-Healthy-Nreighborhoods-Alliance-Planning-Commission-Letter.pdf>

In the 2015 study, it states, "It is important to note that vapor recovery at the nozzle can cause vapor releases at the storage tank, because vapors recovered at the nozzle are typically directed into the storage tank. The storage tank, in turn, can "breathe" and potentially release recovered vapors immediately or at a later time. A tank sucks in relatively uncontaminated air as the liquid fuel level drops in the tank due to vehicle refueling, and it releases vapors through the vent pipe

into the atmosphere if the gas pressure increases and exceeds the cracking pressure of the pressure/vacuum valve, when fuel evaporates into unequilibrated gas in the headspace."

It also states, "Health effects of living near gas stations are not well understood. Adverse health impacts may be expected to be higher in metropolitan areas that are densely populated. Particularly affected are residents nearby gas stations who spend significant amounts of time at home as compared to those who leave their home for work because of the longer period of exposure. Similarly affected are individuals who spend time close to a gas station, e.g., in close by businesses or in the gas station itself. Of particular concern are children who, for example, live nearby, play nearby, or attend nearby schools, because children are more vulnerable to hydrocarbon exposure."

The code requires that the gas station not be a nuisance, and Utah's legal definition of nuisance includes health risks. We have presented research showing as such and ask that you give this careful consideration.

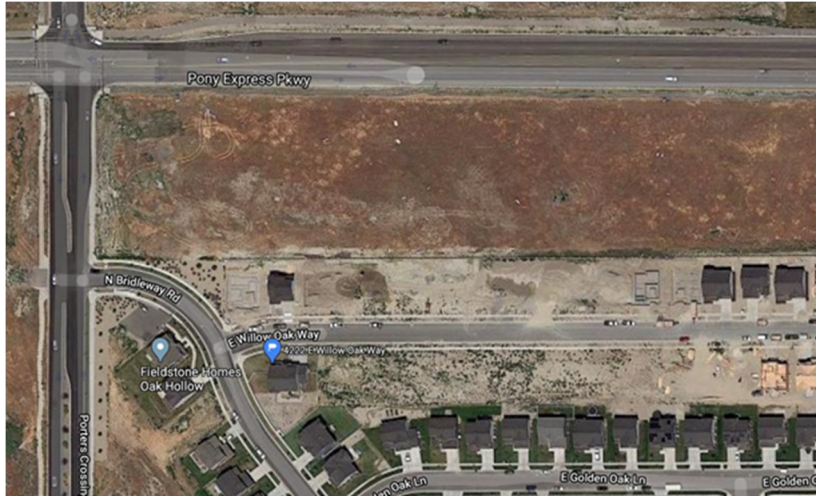
Thank you,

Kilee Luthi, Oak Hollow Resident

hi there,

my name is justin ricks and i live at 4222 e willow oak way. i have lived here in eagle mountain for about 2 years. i am opposed to having a gas station placed on the corner of pony express parkway and porter's crossing. i am very concerned about living so close and dealing with the potential health hazards forever. i understand that specific precautions are being taken to reduce the risks associated with the fuel tanks, but there is still going to be a significant amount of fumes and emissions during the fueling process. as a parent to a 1.5 yr old, it really makes me feel uncomfortable.

i am not trying to be a difficult person. i understand the need for businesses in the area. i understand that businesses = property taxes = revenue for the city, and i understand that is completely necessary. it's possible that city code allows for a gas station in such close proximity. but even if it does, i still don't feel comfortable about it. just because something isn't illegal doesn't mean it's right. i understand that there are many that are in favor of the gas station, but i just want a little bit of empathy. please put yourselves in my shoes and imagine how it would feel to live so close.



i live here at this pin. it's sooooo close to me. and worse, it's even closer to the people across the street from me. i feel fortunate to have a larger backyard, but my neighbors across the street have very small yards which put their homes so so very close to the proposed gas station site. i understand that my opinion is not the only one that matters, but i would please ask yourselves if you would feel the same way if you were in my shoes.

as i mentioned before, i understand that businesses are essential, for revenue if nothing else. but i don't think it will be long before another business is interested in the proposed site location. what does the city have to lose in denying the proposed location besides a little bit of time? compare that against what the community has to lose if the plan goes forward as it is, and it just doesn't seem worth it to me.

i'm not opposed to gas stations altogether. i understand that they are necessary in our communities. but i feel that there are many other places they could be in order to have some separation from residential areas. i understand that the city does not choose where businesses choose to build. i get that. but having no rules about the distance a gas station can be from residential areas seems like a big oversight to me.

thank you for your time and consideration, i'm sure you have lots of comments to read and that they can sometimes come across as hostile. i will be listening to the meeting tonight, and hope for the best for everybody involved. i'm happy to continue our conversation as well. if you have additional questions or need clarification, please email me at justin.rixx@gmail.com

Members of the Planning Committee,

Thank you for taking the time to research the impacts of the proposed 7-Eleven gas station. I wish first to comment on the information included in the memos for this portion of the meeting.

1. The memo attempts to minimize the health impacts of benzene emissions from gas stations by noting that it is a byproduct of other products such as cigarette smoke and cleaning products. While this is true, residents have a choice to bring these products into their homes, whereas the gas station

will emit benzene and other volatile organic compounds (VOCs) which will in turn enter our homes. Evidence of adverse health effects of benzene exposure is well documented.

2. The memo also attempts to refute the relevance of the studies presented by noting that data collection for all but three of the studies took place outside the United States. However, high level findings across studies remain consistent. Despite various safety requirements and regulations around the world, VOCs are released, pollute the air near gas stations and pose a health hazard to nearby residents.

3. Furthermore, the most recent and relevant studies were conducted in the United States. The memo cites one of these studies conducted in 2015 within the U.S. that notes there is hydrocarbon release during fuel storage and transfer at the gas station. The memo goes on to mention that Utah has requirements for vapor capture during delivery to minimize the impact. However, this statement misses the mark as the study states that "It is important to note that vapor recovery at the nozzle can cause vapor releases at the storage tank, because vapors recovered at the nozzle are typically directed into the storage tank. The storage tank, in turn, can 'breathe' and potentially release recovered vapors immediately or at a later time."

The studies submitted and a growing body of research show that a gas station and fuel tanks in close proximity to residential areas is a health hazard to residents. The Eagle Mountain Municipal Code section 17.95.060 mentions that for a conditional use permit to be granted for a gas station it "will not, under the circumstances, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity." A gas station in this location would be hazardous to the health of nearby residents and for this reason, I encourage you to deny approval for a conditional use permit.

If you do not feel that the health hazards warrant a denial I would also bring up another point made in the petition but not dealt with in the memos. Section 07.05.020 of the municipal code defines a park as "A land parcel in the ownership or under the control of the city for the use of the general public, whether landscaped or otherwise improved." According to the plat, the land directly behind the proposed site is "Dedicated to Eagle Mountain City to be public utility and access/pedestrian easements in their entirety." As it was deeded for use by the general public and improved with landscaping, this area falls under the city's definition of a park. With reference to gas station proximity to parks, the municipal code states in section 17.75.030 point G that "the minimum closest distance from the automobile gas/service station or car wash with gas pumps site to an existing school, park, playground, museum or place of public assembly will not be less than 500 feet." The proposed site for the 7-Eleven gas station is in violation of city code. I again encourage you to uphold current requirements and deny approval for a conditional use permit.

Thank you,

-Tyler Anderson



EAGLE MOUNTAIN Planning Commission MEETING MINUTES

July 14, 2020, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

COMMISSION MEMBERS PRESENT: Matthew Everett, Christopher Pengra, Erin Wells, Rich Wood, and Brett Wright.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Long-Range Planning Manager; Michael Hadley, Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; and Elizabeth Fewkes, Recording Secretary.

Commissioner Wood called the meeting to order at 5:34 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – Special Uses Standards

This item was discussed after item 1.C.

Long-Range Planning Manager Pete Kane presented the item. He requested for the Commissioners to review the Special Uses Standards staff suggested amendments and provide him feedback by July 22, 2020 in order for the Planning Commission to discuss the item during the July 28, 2020 Planning Commission meeting and, depending upon the extent of revisions and further discussion, provide a recommendation for approval to be presented at the August 11, 2020 City Council meeting for a public hearing and City Council vote to adopt the amended standards.

Mr. Kane explained “conditional use” and “special use” verbiage needed to be maintained throughout all standards until all conditionals are removed from Municipal Code. He said the standards in this section supplement the other sections of Municipal Code, but all other sections will still apply (i.e. parking, lighting, landscaping, etc.). Discussion ensued regarding the removal of existing conditional use verbiage in current Municipal Code standards and staff comments and concerns. Mr. Kane recommended drafting and including definitions for each use to improve clarity.

The Planning Commission and staff discussed potential standard requirements to resolve concerns regarding animal short-term boarding in residential and commercial zones, check cashing service spacing requirements, neon lighting standards, parking garage height and design standards, portable storage and shipping container number and time restrictions, requiring opaque screening for industrial uses, landscaping screening maintenance needs, balancing aesthetical appeal with potentially losing desirable industrial developments due to exorbitant cost increase resulting from

imposing standards not required by other cities, and the potential negative impacts of lax storage containers standards.

Mr. Kane stated the Planning Commission could codify minimum standards and require additional standards, if deemed desirable and necessary to minimize nuisances, during the application and special use approval process.

Discussion ensued regarding amending the title “nonresidential adult group care facility or child group day care/preschool center” to increase clarity and concerns regarding the sufficiency of the parking and frontage standards included with the use, concerns regarding the legality of the City allowing the licensee to request the confidential records of rehabilitation and treatment facility residents, public notification and signage requirements to inform citizens firearms are prohibited at rehabilitation and treatment and/or other facilities, comparable and desired distance requirements regarding sexually oriented businesses, and possibly limiting the number of permitted sexually oriented businesses in relation to population like some other less-desirable uses standards.

1.B. DISCUSSION ITEM – Historic Preservation Zone

This item was discussed before item 1.A.

Commissioner Wood directed staff to place the Historic Preservation Zone as a discussion item on the agenda of a future work session meeting, due to the number of more time-sensitive topics in need of discussion.

1.C. DISCUSSION ITEM – Industrial Zone

This item was discussed before item 1.A.

Commissioner Wood asked if the Commissioners thought the Industrial Zone should remain included as a zone in Municipal Code. The Commission determined the the zone should be retained and moved the discussion regarding Industrial Zone standards to a future meeting due to time limitations and the number of discussion items.

1.D. DISCUSSION ITEM – Tier & Bonus Density Language Removal

This item was discussed after the policy session.

Planner Jessa Porter explained staff is reviewing Municipal Code to update tier language and to remove bonus and base density language in accordance with the residential development language standards adopted in August of 2019.

Commissioner Wood expressed concern regarding the retention of verbiage that no longer applies to the updated Municipal Code and suggested exclusively using either “acres” or “zones” for clarity and continuity and other language updates.

Discussion ensued regarding rural zone streetlight safety standards, trail connectivity requirements and maintenance expenses in relation to lot sizes and safety concerns, concerns that overly prescriptive standards will increase costs and discourage large lot development within the City, improving and clarifying zone and density definitions, agricultural zoning, permittance of tiny homes on wheels, Tier 1 verbiage removal, lot size transitioning, and the lot size transitioning table.

1.E. DISCUSSION ITEM – Master Development Agreement/Plan

This item was discussed after policy session.

Commissioner Wood explained he had requested that master development agreements (MDA) and master development plans (MDP) be included as a discussion item due to requests from the City Council for amendments to the approval process and Municipal Code due to undesirable language and terms in previous agreements. Commissioner Wood instructed the Commission to review existing MDAs to become familiar with the process and to identify areas of concern.

Commissioners Pengra and Wells discussed their perspectives regarding MDPs and MDAs in relation to their professional experiences.

Commissioner Pengra stated MDAs and MDPS are valuable and that newer agreements are more favorable to the City and advocated for the inclusion of reasonable time horizon clauses on the agreements.

Commissioner Wells stated infrastructure timing and funding impacts the residents and City and should be carefully considered. She expressed concerns regarding density, clause contradictions in existing plans, advocating for the best interests of the City without being onerous to the developers, and agreed with requiring reasonable timing restrictions.

Commissioner Wright concurred with the other Commissioners and recommended implementing MDPs on smaller parcels of land and requiring timing restrictions and third-party review.

Commissioner Everett concurred with timing restriction requirements and suggested imposing a 5-year timeframe on smaller land portions to be evaluated and possibly extended to 10 years, depending upon existing circumstances. He expressed concerns regarding the undesirable standards permitted in previous agreements and potential impacts of current agreements to the City in the future and unfinished developments due to bankruptcy of past developers. He advocated for agreement amendment applications to be required to adhere to present Municipal Code standards.

Commissioner Wood stated the concerns expressed by the Commissioners were in alignment with his discussions with the City Council. He expressed concerns regarding infrastructure installation timing requirements, particularly in regard to the completion of common areas and parks; favorable plan phasing to prevent the burden of undeveloped space being deferred to the City; and allowing collector and arterial roads to be completed during each phase of the development. He recommended requiring infrastructure improvements to be completed at the beginning of the project, concurred with smaller MDA areas with shorter timing restrictions, and suggested

penalties for failure to meet agreement terms. He stated the developer should be responsible for determining natural obstructions to development and assume any resulting decrease in density and advocated for the agreements to undergo a strenuous review process.

Commissioner Wood requested feedback from the Commission and stated he will be meeting with staff to discuss concerns and hopefully amended standard suggestions will be ready for discussion at the following meeting.

Mr. Mumford stated he looks forward to addressing his own concerns and expressed the desire to discuss suggestions with the City Attorney. He cautioned against requiring onerous infrastructure installation timing standards that create undue financial burdens for developers.

Commissioner Pengra expressed concern regarding creating maintenance burdens by requiring the installation of infrastructure prior to the need for or use of the amenities. He advocated for balancing City and developer needs and against creating standards that discourage City development.

6:30 P.M. – Eagle Mountain City Planning Commission Policy Session

Commissioner Wood called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. June 23, 2020 Planning Commission Minutes

The approval of the June 23, 2020 was postponed to the August 11, 2020 Planning Commission meeting.

5. Status Report

Planning Manager Mike Hadley stated the Appeals Board affirmed the Planning Commission approval of the 7-Eleven conditional use permit, and the City Council approved the 7-Eleven and Dollar Tree site plans and the Sunset Flats alternative fencing request with direction to review fencing standards to include approved alternative fencing options.

Commissioner Wood requested for alternative fencing standards to be included on the agenda for the August 11, 2020 Planning Commission meeting.

6. Action and Advisory Items

6.A PUBLIC HEARING – LBiSat (Site Plan)

Mr. Hadley presented the LBiSat site plan located on 10 acres in Sweetwater Industrial Park, which is intended for the Sweetwater Industrial Overlay Zone and allows for communications facilities and towers. The final approval is contingent upon the rezone approval of the Sweetwater Industrial Overlay Zone for the property. The applicant intends to present the rezone application and site plan to the City Council concurrently. The building is 13,478 square feet, including an office area and a warehouse area. The proposed building design uses both acceptable and unapproved materials. The proposed parking is located in the front of the building between the building and road and the project has the parking divided into two separate requirements, one for office and one for professional. The proposal has 20 parking stalls for the office building, 4 stalls for the warehouse, and 1 ADA stall. LBiSat will be responsible for the maintenance of the landscaping on the site.

Staff recommends the following conditions: The applicant shall submit a lighting plan that complies with the dark sky outdoor lighting standards, the west side and the front of the building shall include more articulation and an increased mixture of materials, the final site plan approval shall be contingent upon the approval of the Sweetwater Industrial Overlay Zone rezone, and all signage shall require a sign application and permit.

Commissioner Wells requested clarification regarding traffic patterns in the area in relation to fencing requirements along major roadways. Mr. Hadley stated Pony Express Parkway and Tiffany Lane are the major roads in the area and this property is setback from the major roadways and stated the adjacent roads will be industrial public roads.

Commissioner Wood stated as the roads are public, the storage, loading areas, and trash enclosures require screening on the north and west side and verified that the building elevations do not meet building design standards and require additional articulation.

Commissioner Wright requested staff opinion regarding a parking location standard exemption for the project. Mr. Hadley stated as the area is industrial, he believes permitting parking in front of the building is appropriate and the decision could be left to the City Council. He said the light plan had not yet been submitted.

Mr. Mumford clarified the commercial design standards cited are not required for industrial uses but are highly encouraged. Commissioner Wood stated the standards are required in the Sweetwater Industrial Overlay Zone. Mr. Mumford stated if that was the case, the Sweetwater Industrial Overlay Zone required an amendment to rectify the error, as the overlay was intended to allow reduced standards for industrial areas.

Applicant representative Scot Hazard stated he had submitted a compliant light plan. He expressed a willingness to screen the trash enclosure. He stated locating the parking in the front of the building is crucial for the security of the company and the number of stalls is more than sufficient for staffing needs. As the location is near the sewage treatment zone, Mr. Hazard requested

leniency in design standards to reduce costs in accordance with the intent of the overlay zone. He stated variance in banding color could be employed to increase architectural movement. Alternate fencing, other than the desired chain link, is problematic due to cost and security issues and stated the fencing could include slats, if desired. Chain link fencing with security wire is necessary for security reasons and explained other secure fencing options would greatly increase the cost; he advocated for City fencing requirements to be in harmony with the proposed use. He explained the site plan is for 5 acres of the property with the intention to develop the additional five acres at a future date.

Commissioner Wells requested clarification regarding the security wire.

Applicant Rodger M. Lyman stated at existing facilities, they have used three or four strands of barbed wire or razor wire. Commissioner Wells verified Municipal Code permits barbed wire, if approved, and razor wire is prohibited.

Mr. Lyman explained the undeveloped 5 acres of the property will be used for the installation of additional satellite antennas in the future. The satellite antennas range in size from 1.2 meters up to 9 to 11 meters; an 9-meter antenna is approximately 30 to 33 feet in diameter. The antennas will face southward and be arranged in the field in an aesthetically appealing formation. He stated his other facility has reached max capacity and explained companies are utilizing more cost-effective lower earth orbit constellation satellites rather than greater earth orbit satellites. However, the lower earth orbit satellites require a greater number of satellite antennas on the ground. Mr. Lyman stated he is in negotiations with several companies desiring to implement lower orbit satellites, requiring him to procure additional land for antenna installation to interface with the satellites to then distribute the data, voice, and video around the world.

Scot Hazard stated the satellite antennas will be located on concrete pads with gravel between the pads and are aesthetically appealing.

Commissioner Wood opened the public hearing at 7:00 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.

Commissioner Wood verified Municipal Code does not specify satellite screening requirements.

Mr. Lyman stated the chain link fence will be six feet in height with up to an additional two feet of barbed wire.

Commissioner Wood expressed concern in recommending approval of a site plan with an expired master development agreement prior to the approval of the rezone application.

Commissioner Everett stated he was comfortable in making a recommendation to the City Council, as the application would be terminated should the City Council fail to approve the rezone application.

Commissioner Wood stated approval of the project as a benefit to the City and desired to adhere to City standards and to mitigate potential issues regarding the application.

Commissioner Pengra stated this is the appropriate use for the area and the applicant understands the item could be denied by the City Council. He stated he was in favor of the use and recommending approval to the City Council. This use is complimentary to Facebook and is the type of desired use envisioned by the City.

Commissioner Wright stated he is in support of the application, expressed concern a 35-foot wide satellite antenna would also be taller than the building, and requested clarification regarding the antenna quantity, size, and volume. Mr. Lyman confirmed the satellite antennas are large, vary in size, are angled, and move to track the satellites throughout the day.

Commissioner Wright asked if the fence height was a City requirement or requested by the applicant and suggested potentially requiring a taller fence. Mr. Lyman expressed a willingness to increase the fence height, if desired.

Commissioner Everett expressed excitement regarding the project; however, he expressed the desire for color banding variance on the west elevation to increase the articulation. He expressed support in permitting the parking to be located in the front of the building and suggested that Municipal Code standards include parking exemptions. He said although he does not prefer chain link fencing, he concurred chain link is appropriate for this use.

Commissioner Pengra stated the types of uses appropriate for this area are not meant to be aesthetically appealing and, in the future, the City may be able to require more strict industrial design standards but feels increased standards at this juncture could be economically detrimental to City development. He objected to requiring architectural articulation on the interior sides of an industrial complex and is satisfied with the design presented.

Commissioner Wells expressed a willingness to offer reduced standards but stated support of requiring shade variation through banding to increase articulation on the side of the building fronting on a road.

Commissioner Wood expressed his desire to properly balance current and future City needs and advocated for moving forward with the application and compromising on standard requirements.

MOTION: ***Commissioner Wells moved to recommend approval to the City Council of the LBiSat site plan with the following conditions:***

- 1. The applicant shall submit a lighting plan that complies with the dark sky ordinance lighting standards;***
- 2. The west side and the front of the building shall include more articulation and an increased mixture of materials;***
- 3. The final site plan approval shall be contingent upon the approval of the Sweetwater Industrial Overlay Zone rezone;***
- 4. All signage shall require a sign application and permit; and***

5. The trash enclosure shall be screened from view of the public streets and designed with the architectural style of the building.

Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.

6.B. PUBLIC HEARING – Development Code Amendment Lot Line Adjustment (EMMC 16.50) and Development Code Amendment Plat Amendments (EMMC 16.55).

Mr. Hadley presented the item. The proposed changes to Lot Line Adjustment Municipal Code include requiring a mylar plat map to be submitted with any application located in in recorded subdivision map and current lots will be vacated and recorded as two new subdivision lots. The proposed changes to Plat Amendment Municipal Code include: an added section for minor plat amendments; allowing for staff to process lot line adjustments and minor changes that do not include the addition of lots or vacation, alteration, or amendment of any street; and minor plat amendment changes would be a staff level approval.

Commissioner Wells expressed concern requiring a mylar plat map would place undue burden upon residents.

Mr. Hadley stated he understood a mylar plat map only slightly increases the cost of the project, as the cost of a surveyor and legal descriptions account for the majority of the expense of a lot line adjustment; however, requiring a mylar will increase inconvenience due to the need for the applicant to obtain additional signatures from utility companies in order to record the plat map. He explained the reason for requiring a mylar map is to clarify the title and division of the property to prevent unclaimed, untaxed portions of property resulting in land and tax disputes.

Commissioner Wells requested clarification regarding the suggested addition of “if required by the current recorded plat,” to the Application: Declaration of Covenants, Conditions, and Restrictions (CC&Rs) section requirement, “Declaration of covenants, conditions, and restrictions shall be submitting for any new lot.”

Mr. Hadley stated if the recorded plat has CC&Rs, the applicant is required to provide the CC&Rs to be recorded with the new plat for consistency and to update the CC&Rs description verbiage.

Commissioner Wood opened the public hearing at 7:27 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.

Commissioner Wood expressed concern regarding the ambiguity of the verbiage "minor changes" and stated a preference for more prescriptive language.

Commissioner Wells stated due to her experience regarding a lot line adjustment for her own property, she is in favor of allowing staff-level approvals.

Commissioner Pengra concurred permitting staff to approve minor change is appropriate to prevent stranded pieces of land which is problematic throughout Utah County.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of the development code amendment Lot Line Adjustments and development code amendment Plat Amendments. Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

7. [Discussion Items](#)

8. [Next scheduled meeting](#)

Mr. Kane stated no additional discussion items are scheduled for the next meeting, other than the items requested to be moved to future meetings.

Commissioner Wood adjourned policy session and reopened the work session at 7:34 p.m.

9. [Adjournment](#)

MOTION: *Commissioner Everett moved to adjourn the meeting at 8:53 p.m. No second or vote was called.*

The meeting was adjourned at 8:53 p.m.

Approved by the Planning Commission on July 28, 2020.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 28, 2020**

TITLE:	PUBLIC HEARING - Hoofbeats to Healing (Rezone and Concept Plan)		
ITEM TYPE:	Rezone and Concept Plan		
FISCAL IMPACT:			
APPLICANT:	David Peterson, representing Excel Engineering		
GENERAL PLAN DESIGNATION "Rural Density One" and "Parks and Open Space"	CURRENT ZONE Residential	ACREAGE 27.37	COMMUNITY Lake Mountain Road

PUBLIC HEARING:

Yes

PREPARED BY:

Pete Kane, Planning

PRESENTED BY:

Pete Kane

RECOMMENDATION:

We recommend the Planning Commission make a motion to recommend approval of the rezone application to City Council, for the reasons set forth in the staff report and in the meeting, with the following conditions:

- That the area of land within the powerline corridor be preserved as open space for a possible future regional trail; and
- 1. The applicant shall install raptor nesting boxes on the property, in consultation with Hawk Watch and the Eagle Mountain Kestrel Project.

BACKGROUND:

The applicant is seeking a rezone request from residential to agriculture on about 27.37 acres of land made up for the entirety of parcel 590060047 and a portion of parcel 590060046. A concept plan has been provided for review and feedback to develop the property as an equine-assisted therapy center. Under the current zoning, this type of use would not be permitted, but is a conditional use in the agriculture zone. The property is on the east side of Lake Mountain Road, north of 5000 N.

The property has gone through previous rezoning and use considerations. Most recently in July 2018, the City Council approved rezoning of the property from agriculture to residential (under the previous code) with the following conditions:

- Minimum lot size of 2.5 acres with the lots to be served by septic systems
- The main powerline corridor shall be preserved as open space for a possible future regional trail
- The applicant shall install raptor nesting boxes on the property, in consultation with Hawk Watch and the Eagle Mountain Kestrel Project
- Each lot shall have a minimum ½ acre building envelope
- A note shall be recorded against the plat stating that there are agricultural uses in the area

Per the concept plan, the existing single-family home on the property will remain. The applicant intends to construct a riding arena (about 44,000 square feet), a stall barn (about 28,500 square feet), a hay barn (about 6,000 square feet), and associated parking. A majority of the land would be used as fenced pasture for the horses.

ITEMS FOR CONSIDERATION:

Per EMMC 17.90.060, the criteria for approval of a rezoning of property includes consideration of the following:

COMPLIANCE WITH THE GENERAL PLAN

The requested zone is consistent with the land uses shown on the General Plan's future land use and transportation map. A majority of the subject property has an "agricultural/rural density one" designation which the agriculture zone would apply to. The remainder of the subject property's land use designation is "parks and open space" located on the area of land with the utility power corridor. As defined in the General Plan, the "parks and open space" land use is "intended for lands that serve a public open space, recreational, or ecological function, or provide visual relief."

COMPATIBILITY WITH ADJACENT LAND USES

Land to the west, east, and south of the subject property is designed and/or currently used for large lot residential purposes. Land to the north and further northeast is open space land owned and operated by the Bureau of Land Management.

CITY SERVICES

Based on the July 2018 approval, the subject property would have resulted in three residential properties. By rezoning the property to agricultural following the concept plan for the equestrian therapy center, the demand on city services should be less than the residential use.

TRAFFIC GENERATION

The proposed facility will have four employees. Throughout the day, the facility will have approximately 50 total patients with up to three helpers or volunteers per patient. A total estimated traffic load to the facility will be approximately 200 trips depending on whether the patients and their helpers arrive together. The parking lot as shown in the concept plan will be reduced to approximately 40 parking stalls. The facility is not intended to be used as an equestrian center or commercial riding arena.

PROPERTY VALUES

The large amount of open space and pasture on the property should have a positive impact on property values. As the property owners in this area have animal rights, the fact that horses will be used on the property should not have any impact.

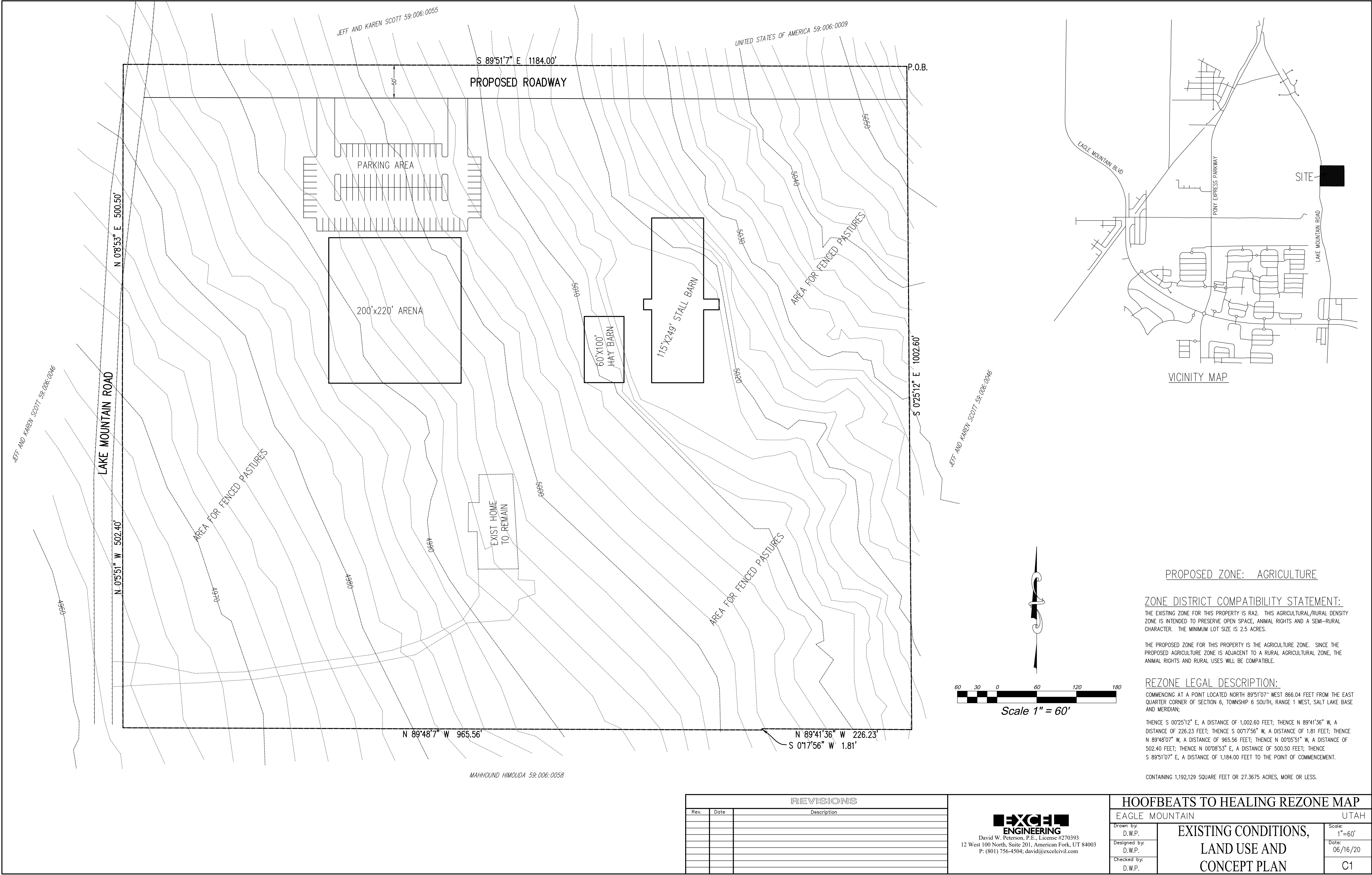
REQUIRED FINDINGS:

Rezone approvals are based upon compliance with City Code requirements. The approval criteria for a rezone request can be found in EMMC 17.90.060.

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[Hoofbeats to Healing Concept Plan and Rezone Map](#)



REVISIONS		
Rev.	Date	Description



David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; david@excivil.com

HOOFBEATS TO HEALING REZONE MAP		
EAGLE MOUNTAIN		UTAH
Drawn by: D.W.P.	EXISTING CONDITIONS, LAND USE AND CONCEPT PLAN	Scale: 1"=60'
Designed by: D.W.P.		Date: 06/16/20
Checked by: D.W.P.		C1



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 28, 2020**

TITLE:	Rush Creek Development (Concept Plan)		
ITEM TYPE:	Concept Plan		
FISCAL IMPACT:			
APPLICANT:	Dan Ford, representing Colliers International		
GENERAL PLAN DESIGNATION Employment Center/Campus	CURRENT ZONE Residential (old code)	ACREAGE 234.14	COMMUNITY Town Center

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

PRESENTED BY:

Pete Kane

RECOMMENDATION:

The Planning Commission is recommended to review the concept plans and discuss the development intentions with the applicant. Any feedback provided by the Planning Commission is non-binding and may be used by the applicant and property owner to guide them in the preparation of subsequent development applications (EMMC 16.15.050).

BACKGROUND:

The subject property includes three parcels of land (parcel 590340009 at 167.5 acres east of Eagle Mountain Blvd, parcel 590340010 at 28.31 acres southwest of Eagle Mountain Blvd, and parcel 590340011 at 38.33 acres west of Eagle Mountain Blvd). The property owner and applicant are looking to received feedback on their land use concept plan and more-developed concept plan of the eastern portion for the future development of this property. The land use concept plan as outlined would include the following land uses: neighborhood residential one (77.95 acres), employment center/campus (40 acres), neighborhood commercial (11.58 acres), mixed use (32.09 acres), business park / industrial (40.78 acres), and UDOT highway (28 acres).

The additional concept plan for the "neighborhood residential one" portion of the property includes approximately 200 quarter-acre lots along with open space areas and pedestrian access routes. The overall density would be 2-3 units/acre.

ITEMS FOR CONSIDERATION:**CONNECTIVITY**

The land use concept plan has limited information of potential lots and roadways for the western portion of the subject property, though there are some preliminary ideas demonstrated within the "neighborhood residential one" and "employment center/campus" portions. The concept roadways all have connections with existing or future roadways except for one connection at the center of the southern edge for the residential portion. This roadway is shown as a stub and will lead into the approved commercial storage development project. It'll be important that stub roads are connected to roadways within those areas rather than as terminated stubs or connections into parking lots.

FUTURE LAND USE COMPATIBILITY

The General Plan and Future Land Use Map as approved by the City designates all three parcels as "employment center/campus." This future land use is defined as "Focused employment center or college campus (e.g. regional medical center or larger employer with supporting businesses and retail surrounding) that is near future downtown/town center and its amenities. Convenient access to amenities and local/regional transportation networks." The majority of zoning districts identified within the concept plan meet this future land use designation. The "neighborhood residential one" area noted in the plan (which would include the zoning districts of R1, R2, and R3) is not a compatible land use with the land use designation. The properties directly to the east and southeast of the subject property, however, have a land use designation of "neighborhood residential one."

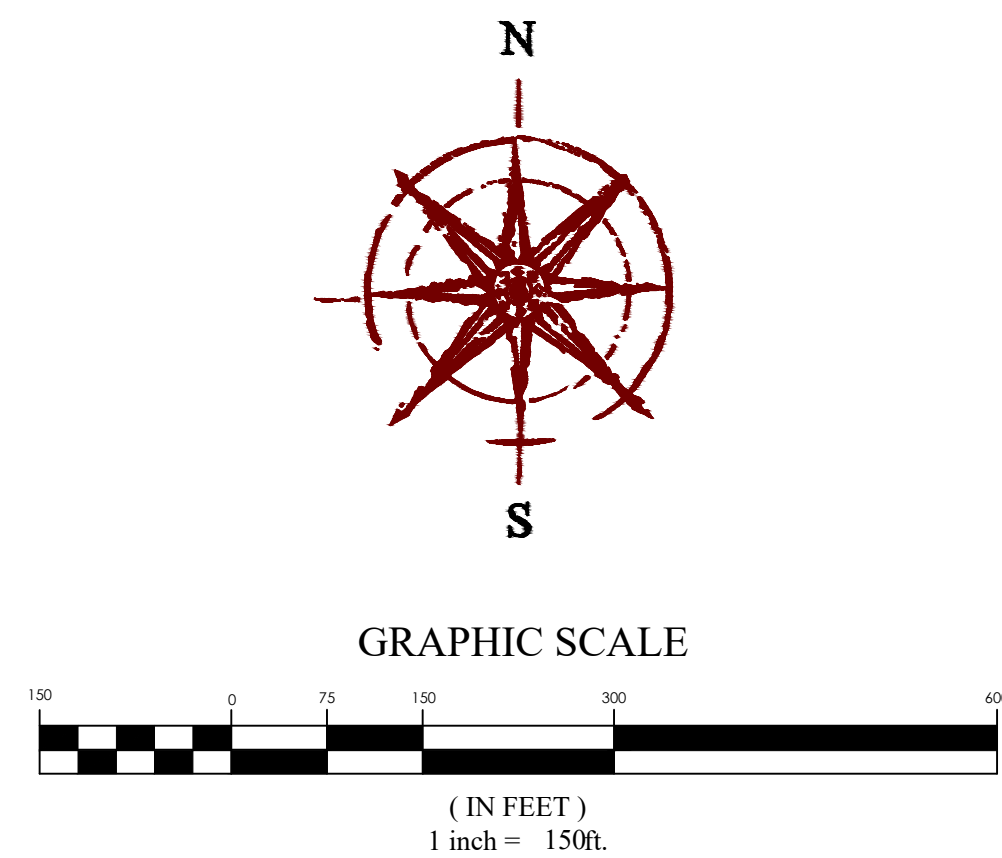
REQUIRED FINDINGS:

There are no required findings for concept plan applications.

PLANNING COMMISSION ACTION/RECOMMENDATION:**ATTACHMENTS:**

Rush Creek Land Use Concept Plan

Rush Creek Neighborhood Residential One Concept Plan



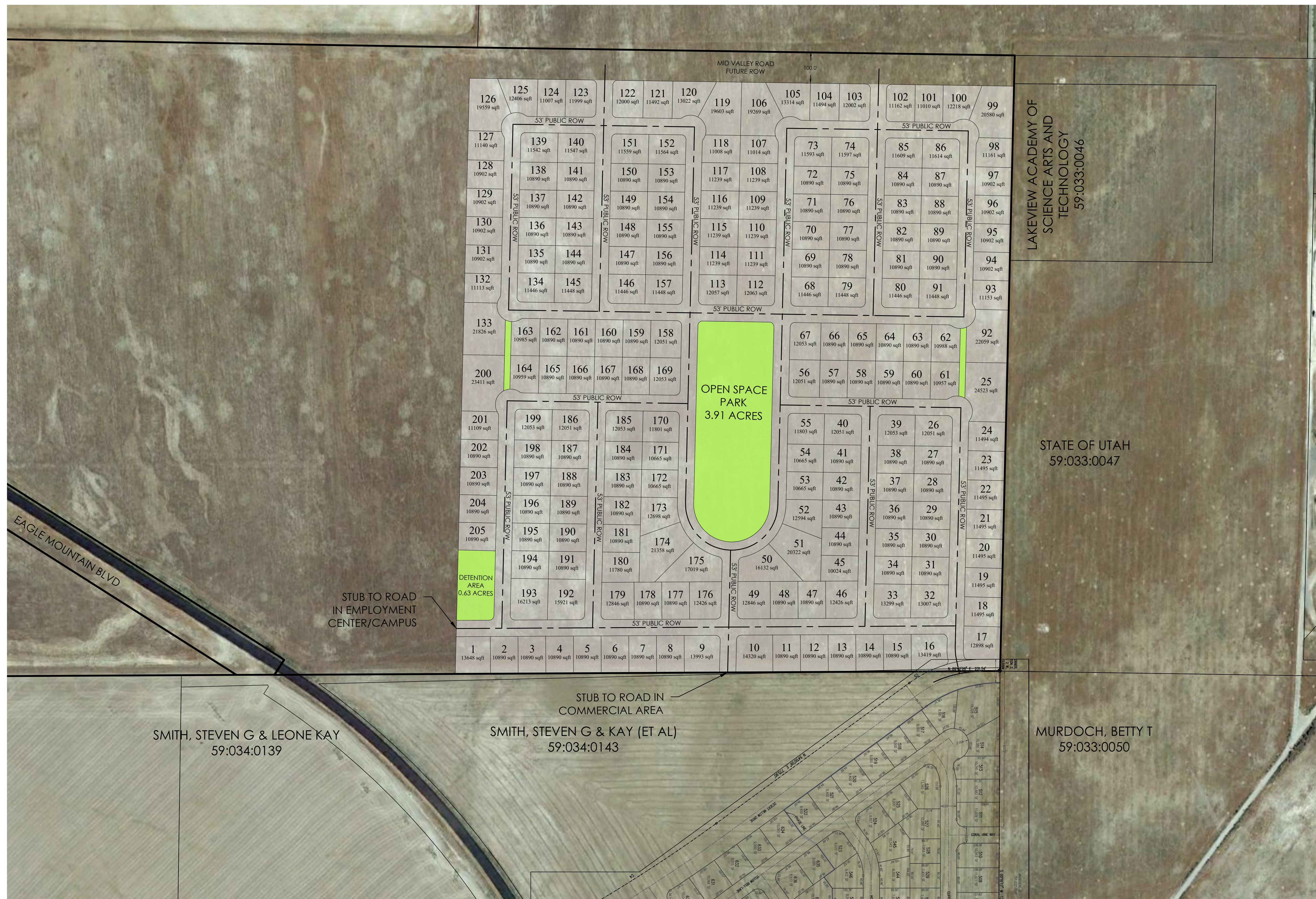
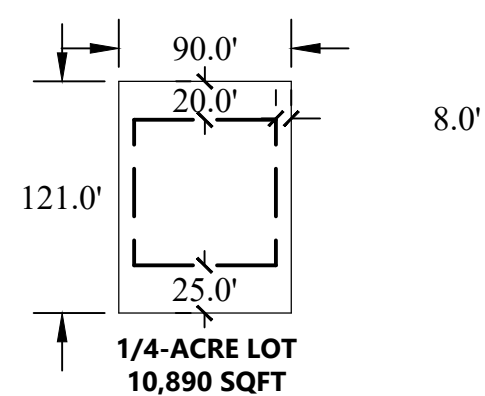
CONCEPT TABULATIONS

TOTAL ACREAGE	± 77.95 ACRES
SINGLE FAMILY LOTS	205
TOTAL DENSITY	2.63 UNITS/ACRE
OPEN SPACE	4.74 ACRES
LOT SIZE AVERAGE	10,890+ SQFT

SUBDIVISION REQUIREMENTS

CUL-DE-SAC RADIUS:	50'
LOCAL ROW WIDTH:	53'
MINOR COLLECTOR WIDTH:	77'
BLOCK LENGTH:	1,000'
	1,200' WITH WALKWAY
OPEN SPACE REQ:	900 SQFT PER LOT

TYPICAL LOT LAYOUT



RUSH CREEK concept plan B

EAGLE MOUNTAIN CITY, UTAH COUNTY
7/21/2020
20-0224

Note: This plan is for illustrative purposes only. Boundaries may be based on parcels obtained through public GIS data. It is recommended that a survey be performed to determine actual boundary size and dimensions as well as other potential boundary conflicts.

