



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 benzene 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 ²⁸~~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

[US%3Av3&recruiter=1094178517&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition&utm_term=psf_combo_share_message&use_react=false](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 soooooooo 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