



COALVILLE CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the Coalville City Council will hold its regular meeting on **Monday, October 26, 2020** at the Coalville City Hall, 10 North Main, Coalville, Utah. This meeting will begin at **6:00 P.M.** Due to the Covid-19 restrictions, only 10 individuals will be allowed to meet in person which will be the Coalville City Mayor, Council, Staff, and a Wohali Representative. Others may connect to the meeting using the Zoom meeting information listed below. The agenda will be as follows:

1. Roll Call
2. Pledge Of Allegiance
3. City Council Agenda Items:
 - A. Review, Discussion, And Possible Approval of the Escapod Trailers LLC Commercial Site Plan, 627 South Main
 - B. Discussion And Explanation Of Wohali Partners LLC State Dam Application
 - C. Presentation Regarding The Utah Strong Recovery Project
 - D. Update On The Community Renewable Energy Program
 - E. Discussion And Possible Approval Of Continuing Code Updates And Updating The Fee Schedule
 - F. Planning Consultant Updates
 - G. Public Works Updates
 - H. Community Development Updates
 - a. Business Licenses
 - I. Legal Updates
 - J. Council Updates
 - K. Mayor Updates
 - L. Executive Session
4. Review And Possible Approval Of Minutes
5. Adjournment

** Coalville City reserves the right to change the order of the meeting agenda as needed.*

Dated this 23rd day of October, 2020.


Nachele D. Sargent, City Recorder

****In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Hall (435-336-5981) at least three days prior the meeting.**

Posted: October 23, 2020 City Hall, Coalville City Website, Utah Public Notice Website

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87842254314?pwd=dk9zNmgiQXQ4VHVULzl2OTZlYkF16UT09#success>

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Mayor
Trever Johnson

Council
Cody Blonquist
Philip B Geary
Rodney Robbins
Tyler Rowser
Don C Winters

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the water. He stated their application referred to the Boyden Well water right as a place holder until there was a way to convey the water. Mr. Boyden stated they received approval to construct the Dam on February 10, 2020 with the condition that the temporary water right referenced would be a place holder until it was replaced with the permanent water right for the final source which they were still working on. Mr. Boyden stated the City issued a grading permit on April 14, 2020 to perform the grading, install the irrigation infrastructure, the cart path and the construction of the Dam which was an integral piece of the grading permit. Mr. Boyden stated the CFRG group appealed the issuance of the grading permit and the appeal was unanimously denied on May 11, 2020. This confirmed the issuance of the grading permit was correct. Jim Boyden stated it had been insinuated they had acted incorrectly, but as this timeline showed, they had received approval from the City Council. Council Member Cody Blonquist verified the original application had been withdrawn after all of this had taken place and moving forward that ordinance was null and void. Jim Boyden stated the first application was withdrawn on May 15, 2020. He stated they never anticipated withdrawing the original approved application and had continued working under that approval until it became evident the contention and incessant efforts to undermine their project would never end. He stated in an effort to offer an olive branch to the CFRG group, they withdrew the original application and applied for the permitted use application. Sheldon Smith stated even if Wohali hadn't applied again under the new application, he had come to the conclusion they still had the right from the State to build a Dam. He stated they had more work to do to get water to the Dam. He stated he had come to understand it wasn't unusual to use a different water right for the application from the one that would be used when it came time to fill the Dam. He stated Wohali would have to figure that out when it came time to fill the Dam. Sheldon stated Wohali had always represented that whatever water was used would be their responsibility, even though as a permitted use, they could require the City to provide them with water. Council Member Cody Blonquist stated at the development he lived in; the landowner was required to transfer water shares that stayed with the property for irrigation. Sheldon stated that developer could have paid a "fee in lieu" of water shares instead of providing shares. Council Member Don Winters stated he could see that for housing and yards, but he didn't see that as a City responsibility for a private recreation golf course. He stated he couldn't just go to the City for water to water his farm and felt it would be wrong to take City water that had been paid for, for years and give it to a private golf course. Sheldon Smith stated the City had represented that the Developer would need to provide water for the golf course, and they had agreed to do that. He stated it wasn't specified that it was required for them to do that in the City Code or the State Code. They had the authority to build a Dam and if they couldn't provide water for it, there would be a Dam there that wouldn't have any water in it. Sheldon stated the water right didn't have anything to do with the water that would go into the Dam. The water would be provided by the Developer pursuant to what was discussed and agreed on. Don Sargent stated the City had a lengthy discussion about that at the public hearing in July and the Applicant had agreed to provide the water for the golf course. Jim Boyden stated they had agreed to provide the water needed for the golf course, but to Sheldon's point, the use of golf was permitted in the Ag zone and whether it was public or private was immaterial. Those designations were marketing terms and didn't impact the use. The use was golf whether it was

private or public. Jim stated at the time of the Dam permit application, they were going to use 77 units of City water which was part of the agreement and in the meantime, they would be developing their own water and the State understood it was a place holder until the infrastructure was in place to convey the water. He stated the City didn't have a secondary water system on the West side and they, as the Developer, would build the diversion infrastructure and dedicate it to the City. This would be something they would be giving the City as the Developer and then the City could use it for their needs. Sheldon Smith stated they would transfer whatever water they get for the Dam to Coalville City and the City would own it, but we wouldn't have to pay for it. He stated they had also negotiated for Wohali to build a building for the diversion infrastructure and to make the building large enough for the City to use it for whatever they needed. He stated that would be a benefit to the City because they wouldn't have to pay for any of it. He stated they needed to look at that as a positive part of the Development even though some may not want it. Council Member Rodney Robbins stated the water right number listed on the permit counted as 9% of the water the City put in for the grant money to run the new treatment plant. He questioned if having it listed on the Dam application would cause any issues with that funding. Sheldon Smith stated no, because that water didn't represent the water that would be used for the reservoir. He stated part of the State Engineer's approval was Wohali would have to come up with a water right that would actually be used for putting the wet water in the reservoir. Council Member Phil Geary questioned what the capacity of the Dam would be. Jim Boyden stated the amount of water they would use was 18.36-acre feet, specifically. The Dam was classified as a small Dam by the State and in order to be classified as a small Dam, they couldn't retain more than 20-acre feet of water. He stated to be safe they kept their design under 19-acre feet. He stated some of the capacity that would be held would be below the natural grade and that volume didn't calculate into the 18.36-acre feet. Jim stated anything that was above the natural grade that was actually held back by the dam, couldn't exceed 20-acre feet. He stated the water would be metered because they would have to pay for it. Mayor Trevor Johnson asked Sheldon if he had seen anything that was in violation of the State or the City regulations. Sheldon Smith stated no, he couldn't find anything that was non-compliant. He stated Wohali hadn't represented they could use the water listed. He stated they had a right to do what they did and it was his conclusion that they didn't have to have any development there to have the Dam. Council Member Cody Blonquist verified the water right listed on the Dam application would be replaced with something the Developer would have to obtain. Jim Boyden stated that was correct. Council Member Phil Geary stated he had a concern that was raised by CFRG and questioned what it meant when it stated it was a regulating reservoir. Jim Boyden stated they had hired Loughlin Water to help fill out application and one of their employees was an expert on Dam construction and Dam safety. He stated he didn't know what that meant, but Loughlin Water did and they had hired them to make sure it was done correctly. Mayor Johnson stated the definition of a regulatory reservoir was to regulate water flow whether by a spillway or waterway. Council Member Rodney Robbins questioned how many ponds they would be building and if a City water right would have to be attached to each of them. Jim Boyden stated a water right wouldn't need to be attached to the ponds because they were not required to have a permit to construct

them. He stated they were just aesthetic. Mayor Johnson thanked Mr. Boyden for the information he had provided.

Item A – Review, Discussion, And Possible Approval Of The Escapod Trailers LLC Commercial Site Plan, 627 South Main:

Shane McFarland referred to the Staff report (Exhibit B) and stated the Escapod LLC, Chris Hudak, property had recently been rezoned to the Commercial Zone. He stated they wanted to expand the buildings and had submitted the site plan for approval. Shane stated the Planning Commission had forwarded a positive recommendation. He stated in the Planning meeting they had discussed adding landscaping to the plan and Mr. Hudak was open to working through those details with Staff. Shane stated Zane DeWeese, PWD, had requested for the water run-off and drainage to be taken care of.

A motion was made by Council Member Phil Geary to approve the Commercial Site Plan for Escapod Trailers LLC, 627 South Main, with the condition of adding landscaping with the building permit review. Council Member Tyler Rowser seconded the motion. All Ayes. Motion Carried.

Item C – Presentation Regarding The Utah Strong Recovery Project:

Cindy Wilmhurst stated she was here with her colleague Courtney Meiner was here on behalf of the State of Utah Department of Services Substance Abuse And Mental Health. She stated the Utah Strong Recovery Project (Exhibit C) was started in July 2020 and was a FEMA funded program. She stated the program provided free and confidential counseling by trained Counselors to anyone in Utah in the form of emotional support, coping and problem- solving strategies, mental health education, and community referrals. Ms. Wilmhurst stated many people were trying to cope with the stresses of COVID-19 and this program was to help maintain and protect their mental health and prevent persistent mental health problems. She stated counseling provided an opportunity for people to talk about their thoughts and feelings about COVID-19. Ms. Wilmhurst questioned if the Mayor and Council had any thoughts on how they could help the Coalville community. Mayor Trever Johnson suggested for them to contact the North Summit School District. Council Member Cody Blonquist suggested for the information to be posted on the website. Ms. Wilmhurst provided the contact information for the program and stated they were available to help at any time. Mayor Johnson thanked them for the information provided.

Item D – Update On The Community Renewable Energy Program:

Lisa Yoder stated she was here to update the City on the Community Renewable Energy Program and let them know that it was moving forward. She reminded the Mayor and Council they had adopted the program last year and it was based on the law passed in 2019 that allowed communities to work with utilities to meet the goal of providing 100% renewable energy to their citizens by 2030. She stated this was an optional program and customers would have the chance to opt out. Ms. Yoder referred to her handouts (Exhibit D) and stated there were 22 participating

communities and they had been working on developing a governance agreement to be able to operate as one entity when negotiating with the utility companies and public service commission. She stated there would still need to be a certain amount of standard electricity on the grid all the time. She stated net 100% renewable meant they would purchase the amount electricity needed for a year from a renewable resource that was built for that purpose. Ms. Yoder stated there was nearly one million dollars in costs to get the program started. She referred to the next hand out and stated experts would be needed to determine the program details and all of those costs were up front. She stated they would be splitting the costs into two payments over two fiscal years. If the projection rates were approved and the City moved on, the City would have to provide the noticing fees to notify the residents of the option to opt out of the program. Ms. Yoder explained the cost share per community rate based on electricity load and population. She stated the City share before the public noticing would be around \$1,500 and if the City wanted to continue with the program, then there would be an additional cost of around \$600 to inform the residents. Ms. Yoder stated the agreement should be drafted for review before the end of the year. She stated the utility company would have to have the number of participants before a cost could be determined and so there wasn't any information on the cost savings for the public. Ms. Yoder stated she could continue to be the representative for Coalville City, or the City could appoint someone. She stated if the City signed the agreement, then they would need to be prepared to pay the fees associated with the program. Mayor Johnson thanked her for the update.

Item E – Discussion And Possible Approval Of Continuing Code Updates And Updating The Fee Schedule:

Mayor Trevor Johnson stated a couple of Planning Commissioners had approached him about when the City was going to continue the Code amendments. He stated the fee schedule was a priority and questioned if the Council had anything else they were interested in continuing. Don Sargent stated the list he had been given to work on was the Fee Schedule, the Administrative Law Judge, Enforcement Provisions, and Beekeeping. He stated there had also been some discussion to look at the Zoning permitted use list. He stated there was still a lot of clean up and inconsistencies in the Code that needed to be taken care of. The Mayor and Council discussed the options including hiring someone from the outside instead of someone from the community, looking at fees for hiring outside help, the fees from the last bid process were significantly higher, updating the current Fee Schedule as soon as possible, Planners in most jurisdictions also did Code amendments with direction, input, and approval by the Council, the Planner didn't have any approval authority, and the Code updates that had been approved were stricter than before. Don Sargent addressed the comments and accusations that had been made about him having a conflict of interest and benefiting from the Code updates and stated he hadn't received any evidence that supported the claims that he favored an application or developer or was incompetent. Council Member Rodney Robbins stated he didn't think anyone from the community should have been writing the Code because they could write it to benefit themselves at a later date. Don stated Code amendments were a legislative matter that went through the Planning Commission and the City Council for approval. He stated the current Applicant had a stricter Code to follow now. Council Member Tyler

Rowser stated he agreed the fee schedule needed to be addressed immediately and would like to have the Administrative Law Judge added to the Code. He stated he couldn't see how either that or the fee schedule could be skewed to favor any Developer. Anything written today wouldn't affect the Wohali application as they were under the current Code. He stated if they went out to try and hire another person and added the requirement that they couldn't be involved in anything else in Coalville, it would be very difficult to find someone. He stated there have been several holes in the Code that have been outlined and they should be addressed as soon as possible. Council Member Phil Geary questioned if something wasn't addressed in the Code like building a fence, where would someone find the requirements for the City. Don Sargent stated if it wasn't addressed in the Code, then there wouldn't be any regulations. Council Member Geary questioned if Coalville was comparable with the County and other cities regulations. Don Sargent stated the current updates were comparable. Mayor Trever Johnson stated Don Sargent didn't just implement his ideas. He stated he drafted a recommendation from the direction given and then it went through Planning, the public, and the Council for approval. Council Member Don Winters stated he felt Don Sargent had a resort theme and he didn't want that type of development for the City. He stated he had seen how it had changed Park City and he didn't want that for Coalville. Don Sargent stated the resort theme didn't come from him. He stated any resort information was provided to help them understand what was being presented. He stated he agreed with Council Member Winters and preferred the small towns. Sheldon Smith stated the Council could say they wanted the City to be like a certain thing and they could review and look at other communities that were comparable. He stated they had looked at Kamas and Oakley to be comparable with Coalville. Mayor Trever Johnson stated Don Sargent or anyone else would take the direction from what the Council, public and Planning wanted for the Code. Council Member Rodney Robbins stated having Don Sargent working with Wohali and writing the Code had led to a lot of dissatisfaction in the community and he thought they should hire someone else to write the Code. Sheldon Smith questioned if anyone had brought up a point of a conflict from what Don Sargent had done with Wohali or anything else. Council Member Don Winters stated he seen a conflict 20 years ago with his subdivision fire hydrants. He stated he had to put in four fire hydrants for 8 homes. Don Sargent stated that would have been a Fire District issue and he would have followed what the Fire Code was at the time. Council Member Winters stated Don's name was on all of the letters and the Fire Code hadn't changed and asked for Don to show him the reasoning behind the fire hydrant decision. Don Sargent stated he was the Planner at the time and would have signed any letters as the Planner and he would be happy to review the file and bring back the information for Council Member Winters. He stated the City didn't regulate the Fire Code. Council Member Tyler Rowser stated the City Council was really in control of what happened with the Code. He stated when the Lighting Code was updated there were Planning Commissioners that were ready to resign because the Council hadn't followed their recommendations and had passed something else. He stated Don Sargent would give the base outline for Planning review and then it was up to the Council to make it what they wanted. The Council would either add or delete anything they wanted and if the majority of the Council were happy with it then it would be approved. Council Member Rowser stated it wasn't Don Sargent or any other consultant writing the Code. It was up to the Council. He stated

the premise of Don Sargent doing something wrong or writing for someone wasn't correct. He stated Don just provided the foundation for review and to build upon. Don Sargent stated the Council had given the direction for the items that were acted on first. He stated one of the most important items was making sure the Developer paid their own way for their infrastructure for roads, water, and sewer instead of having the City bear those costs. He stated the next item was to look at the Sensitive Lands to keep the rural character. The next was fencing because of fences in new construction areas and lighting because of complaints from the community. Council Member Cody Blonquist stated the items that were first looked at were because of problems that had come up from current projects and the City was pretty exposed to being exploited. He referenced the inconsistencies in the Code of allowing 30 homes on one roadway, but in another spot, it was only 5 homes. He stated it wasn't only because of the Wohali application. He stated there were some definite problem areas in the Code and the Council felt they needed to be more prepared. Council Member Blonquist stated if the consensus were to continue with the updates, he would suggest replacing Beekeeping with Trails. Council Member Don Winters read a portion of a letter he received from a citizen (Exhibit E) and stated there were concerns that the MPD had been revised for the Wohali project. He stated he didn't know if Don Sargent should have both responsibilities. Don Sargent stated the reason the Wohali information was in the Staff report was because he had disclosed that to the Planning Commission, and he would do that with any input he received to make sure they knew he had been notified about suggestions for the Code. He stated he didn't make any recommendations on the suggestions from Wohali. Mayor Trevor Johnson stated if Don hadn't disclosed he had received the suggestions from Wohali, then there would be a problem. Sheldon Smith stated the same thing happened with the Signage Code. He stated Bell's was heavily involved in writing that Code. He stated there was some conflict with what they wanted and what the City needed. They had suggestions and concerns and the Council listened. Council Member Rodney Robbins stated if he remembered right, what Bell's had proposed was to keep the signs they had. Sheldon Smith stated that was all part of the process and he didn't see any difference between that and Wohali or anyone else coming and talking about what they would like to have in the Code. Council Member Robbins stated he thought it was different because Wohali was trying to build a community and Bell's was defending what they had. Sheldon Smith stated if they were defending what they had or wanted, it was the same thing. Council Member Rodney Robbins stated he understood the Council had to approve it, but felt it was less suspicious if it was someone else from outside of the community. Mayor Trevor Johnson stated he understood that, but then you would have someone coming in and questioning why the City had someone from outside the City telling us what we needed in our Code. Council Member Tyler Rowser stated the previous Code was written by someone outside the community. He stated it had been stated that the Code revisions reference Eastern Summit County, but the old Code had stuff from Kaysville City. He stated Codes have to be revised as cases come up that shows the holes in the Code. He stated using other local Codes as a reference made us more cohesive to what was around us which was what we wanted. He stated not that the City had to be like everyone else, but it was a good idea to see what was working for others and what was not. It helped to recognize what we needed and wanted for our City. Mayor Trevor Johnson stated whatever direction the City went, it still needed

to be under the direction of Coalville City. It was the Planning Commission and Council's job to steer the ship regardless of who was presenting the Code. Council Member Phil Geary questioned if Don Sargent was involved in issuing permits. He stated that was a concern that had been expressed by the citizens. Don Sargent stated he wasn't involved in issuing permits or giving approvals. He stated he had administered the one grading permit for Wohali, but it was an administrative permit process and it was the entire Staff that reviewed the application. Council Member Cody Blonquist verified the building permit applications would go through Shane McFarland for zoning, Zane DeWeese for public works, and Kent Trussell for structural. Council Member Phil Geary stated another citizen concern was Don Sargent was reporting on the Wohali progress. He stated he didn't know how the Council would know what was happening if someone wasn't responsible to report the progress. Don Sargent stated that was what his assignment was from the City. Council Member Cody Blonquist questioned if Shane McFarland was conducting civil inspections for the Wohali project. He stated part of the fee schedule needed to include fees to cover having a professional do the inspections since the City didn't have someone on Staff full time. Don Sargent stated that was written in the approval for the golf course and the Developer would pay any fees associated with hiring outside experts to inspect. Shane McFarland stated he inspected the Wohali project every two to three weeks. He stated right now they were just moving dirt and the Dam had a third-party inspector for the State. He stated currently there wasn't anything else that would be City owned so the City didn't have anything to inspect. He stated as the project moved into anything that would be City infrastructure, he would be inspecting that progress more frequently. Sheldon Smith stated having the requirement for the developer to pay for any outside help was important, but just like people were saying Don Sargent was working for Wohali because they reimbursed the City for the cost incurred, they would say the same thing about an inspector. He stated the developer had to pay those fees and people needed to understand that. Don Sargent stated he had a rough draft of the fee schedule and could have a draft for review at the next Council meeting. Council Member Cody Blonquist stated he understood the concerns that people had, but it wasn't going to matter who was representing the City whether it was Don Sargent or Cindy Gooch or whoever, they would have a big bullseye on their back. He stated this issue may go away temporarily if they replaced Don Sargent, but it would come right back around and be a permanent issue. Mayor Trever Johnson stated it was the same when Cindy Gooch was doing the job. He stated the comments then were we don't want Syracuse which was where Cindy was from, and we don't want Layton. He stated he agreed with Council Member Rowser that it was the responsibility of the Planning Commission and this Council to not only identify the direction the Code needed to be shaped, but also to look at if there was any conflict of interest and make corrections no matter who it was. The Mayor and Council discussed adding the Administrative Law Judge to the Code including having an ALJ would take away any personal issues from the Council, having an ALJ would take the power away from the Council, most cities had an ALJ and it was the most professional way to handle those decisions, the costs for an ALJ would need to be reviewed, having the ALJ as an elected position, an elected official would be difficult to remove if needed, an ALJ would just be applying/enforcing the City Code, it was difficult for the Council to act as the enforcement, and having an ALJ would take the emotion out of the decision.

The Mayor and Council agreed to have Don Sargent update the fee schedule and present information for having an Administrative Law Judge. Sheldon Smith stated the fee structure was a resolution which would just go through the Council and the ALJ would be a Code revision and would go through the Planning Commission, public hearings, and City Council. Mayor Trever Johnson questioned if the Council would like the permitted uses in the zones reviewed. Council Member Cody Blonquist stated he thought it would be good to involve the community with rewriting the General Plan even if the City had to pay for a public survey. Mayor Trever Johnson stated the City had applied for a grant to help with that, but they hadn't heard back if it had been funded.

A motion was made by Council Member Cody Blonquist to approve for Don Sargent to update the Fee Schedule and provide a proposal for an Administrative Law Judge. Council Member Phil Geary seconded the motion. All Ayes. Motion Carried.

Item F – Consultant Updates:

Don Sargent stated the Wohali project was planning to start the six holes up above the ledge. He stated they had cut the road for that portion and would be grading it. He stated they were going to continue working as long as weather permitted.

Item G – Public Works Updates:

Zane DeWeese stated he didn't have anything for tonight.

Council Member Don Winters thanked Zane and his crew for keeping up with cleaning up the leaves around the City. Zane thanked him for his support.

Item H – Community Development Updates:

Shane McFarland stated there were two business licenses for approval. The first was Wood You Stump Me, Luann Downard, 681 South Main, for a minor home occupation for crafts. The second was for Dane Graham Rentals, 28 East 100 North, for three apartments. He stated he would recommend both for approval.

A motion was made by Council Member Cody Blonquist to approve the business licenses for Wood You Stump Me, Luann Downard, and Dane Graham Rentals. Council Member Don Winters seconded the motion. All Ayes. Motion Carried.

Item I – Legal Updates:

Sheldon Smith stated he didn't have anything else tonight.

Mayor Trever Johnson stated he had received a text about a problem with some dogs. Sheldon Smith stated he would look into the problem.

Item J – Council Updates:

There were no Council updates tonight.

Item K – Mayor Updates:

Mayor Trever Johnson didn't have anything else for tonight.

Item L – Executive Session:

There wasn't an executive session tonight.

Item 4 – Review and Possible Approval of Minutes:

The Mayor and Council reviewed the minutes of the October 13, 2020.

A motion was made by Council Member Phil Geary to approve the minutes of October 13, 2020 as amended. Council Member Don Winters seconded the motion. All Ayes. Motion Carried.

Item 6 – Adjournment:

A motion was made by Council Member Tyler Rowser to adjourn the meeting. Council Member Cody Blonquist seconded the motion. All ayes. Motion Carried.

The meeting adjourned at 8:30 P.M.

Mayor Trever Johnson

Attest:

Nachele D. Sargent, City Recorder

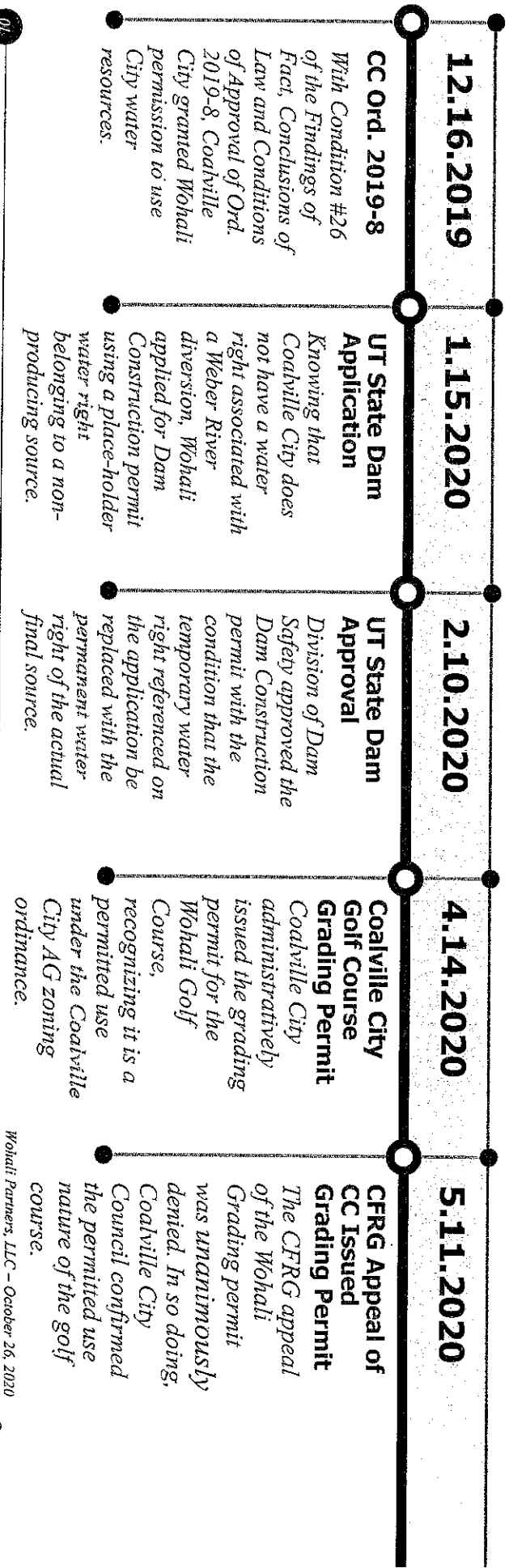
"Exhibit A"
Journal 10/26/2020



WOHALI

Wohali – Permit Timeline

Dam Construction and Grading



Wohali MPD and Zone Amendment

The following are proposed findings of fact, conclusions of law and conditions of approval for the Wohali MPD application and the zone amendment petition, with its accompanying petition for zoning map amendment.

Findings of Fact:

1. In 2018 the City annexed several properties west of the City limit line which included certain real property known as the Wohali property. (A legal description and plat depiction of the "Wohali Property" is attached as **Exhibit A**.)
2. The Wohali Property is currently zoned Agriculture (AG) which allows 1 dwelling unit per 20 acres as base density.
3. The owner of the Wohali Property, Wohali Partners, LLC, ("**Applicant**") duly applied for a property Zone Amendment and Master Planned Development (MPD) on November 1, 2018 for the Wohali Property. The Applicant is also the Master Developer.
4. The Zone Amendment and MPD applications were determined complete, with all required information, on March 18, 2019.
5. The Planning Commission reviewed and discussed the proposed Zone Amendment and MPD in work sessions on March 18, 2019, April 15, 2019, and May 20, 2019.
6. Following a public hearing on the proposed Zone Amendment and MPD on July 15, 2019, the Planning Commission recommended approval of the Zone Amendment and MPD to the City Council on July 29, 2019 and authorized the Applicant to proceed forward with a Preliminary Plan application for Phase I of the MPD.
7. The City Council conducted a public hearing on the proposed Zone Amendment and MPD on November 18, 2019 and reviewed and discussed the project particulars in a work session on December 2, 2019.
8. Following a continued public hearing on the proposed Zone Amendment and MPD on December 9, 2019, the City Council approved the Zone Amendment and MPD, to be confirmed in findings of fact, conclusions of law and conditions of approval (Ordinance No. 2019-7).

Conclusion of Law:

1. The proposed Wohali development is and is being processed as an MPD as required by the City Development Code which is intended to produce superior project design through flexible and innovative development provisions that advance the goals of the City's General Plan.
2. No new zone district or overlay designation is being requested that is not already existing in the Development Code and on the zoning map of the City.

3. A rezone of property associated with an MPD requires an associated proposed conceptual development plan to be submitted with the application, which the applicant has provided in the form of the MPD.
4. The Applicant has submitted responses to Staff, Planning Commission and the public comments addressing question and concerns of the proposed MPD, and Title 10-3-080, Subsection E of the Development Code addressing the Standards for Decision for a zone amendment.
5. The Applicant responses were reviewed by Staff and the Planning Commission and expressed several observations, concerns and questions to the applicant that were addressed in the work sessions.
6. The Applicant compared the proposed Wohali core density units per acre of the project to existing core density zoning units per acre within the City, which was determined to be consistent.
7. In considering the zoning amendment, the City Council applied and considered the Standards for Decision in Title 10-3-080, Subsection E of the Development Code.
8. As for the MPD request, the City Council made the following conclusions:
 - a. The proposed Wohali MPD site design integrates well into the natural terrain, minimize excessive site grading and protects and preserves surrounding natural areas. [8-6-080(A)]
 - b. The proposed Wohali MPD makes suitable provisions for the protection, preservation, and enhancement of wildlife habitat, watercourses, riparian areas, drainage areas, wooded areas, steep terrain and similar natural features and sensitive lands. [8-6-080(B)]
 - c. The proposed Wohali MPD takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful site planning. Integration of connectivity with adjacent properties, as applicable, has also been considered and provided. [8-6-080(C)]
 - d. The proposed Wohali MPD has direct vehicular access from suitable public and private roads meeting all requirements of the city engineering, Development code and fire district standards. [8-6-080(D)]
 - e. The proposed Wohali MPD has a secondary point of access/emergency access or other mitigation satisfactory to the City Council and fire district. [8-6-080(E)]
 - f. All roads/streets within the proposed Wohali MPD follow the natural contours of the site wherever possible to minimize the amount of grading and balance cut and fill. [8-6-080(F)]

- g. Existing or proposed utility and public services are adequate to support the proposed Wohali MPD at normal service levels and are designed in a manner to avoid adverse impacts on existing adjacent land uses, public services, and utility resources. **[8-6-080(G)]**
 - h. The proposed structures within the proposed Wohali MPD are located on reasonably developable portions of the site as determined by the site analysis and sensitive lands determinations. The open areas within the proposed Wohali MPD are designed so that existing significant vegetation can be maintained to the greatest degree possible. **[8-6-080(H)]**
 - i. The proposed Wohali MPD includes adequate internal vehicular and pedestrian/equestrian/bicycle circulation in accordance with the principles of the City Transportation and Trails Master Plan. **[8-6-080(I)]**
 - j. The proposed Wohali MPD includes adequate and designated areas for snow removal and snow storage. **[8-6-080(J)]**
 - k. All exterior lighting within the proposed Wohali MPD is downward directed and fully shielded in compliance with the City Outdoor Lighting standards. **[8-6-080(K)]**
 - l. The proposed Wohali MPD, as conditioned, complies with all the requirements of Chapter 8 of the City Subdivision Ordinance. **[8-6-080(L)]**
 - m. The proposed Wohali MPD, as conditioned, is consistent with the City General Plan. **[8-6-080(M)]**
 - n. The Planning Commission conducted the required public hearing on the proposed Wohali MPD on July 15, 2019. The City Council conducted the required public hearing on the proposed Wohali MPD on November 18, 2019 and continued through hearings concluded on December 9, 2019. **[8-6-080(N)]**
9. The proposed Wohali MPD was determined to comply with the applicable development code standards and the property rezone was determined to be consistent with the existing and approved zone-district pattern of the Red Rock (Cummings) property in the south end of the City.
 10. In accordance with Section 8-6-050 of the Development Code, the rezone of the Wohali Property shall revert to the AG zoning district and the MPD shall terminate if the Phase I final plat is not approved and recorded within three (3) years of the approval of the rezone and MPD on December 9, 2019.
 11. The Wohali MPD, as conditioned below, will satisfy the required findings in Section 8-6-080 of the Development Code with evidence that supports the conclusions for the City to approve a master planned development.

Conditions of Approval:

1. The rezone amendment is subject to the MPD requirements set forth in the development Code and is to be consistent with the overall Wohali MPD Plans on file with the City.
2. The rezone of the Wohali Property will be void and the zoning revert to the AG zoning district if a final plat for Phase I of the MPD is not approved by the City Council and recorded with the County Recorder within three (3) years of the approval of the rezone and MPD on December 9, 2019. No other Phase, plat, or final land use approval may precede final plat approval of Phase I of the MPD.
3. A Development Agreement, consistent with the MPD, these Findings, Conclusions, Conditions of Approval, and the Development Code, between the Master Developer, Wohali Partners, LLC, and Coalville City is a condition precedent to the final plat approval and recording of the Phase I plat of the MPD. Upon the negotiation and preparation of a proposed Development Agreement by City staff and consultants and the Master Developer, the proposed Development Agreement shall be submitted to the City Council for approval by vote of the City Council.
4. The Development Agreement must be executed by the City and the Applicant prior to final approval and recordation of Phase I plat of the MPD for the Wohali Property. The approved executed Development Agreement shall be recorded with the Summit County Recorder concurrently with recordation of the Phase I plat. The covenants, restrictions, and other provisions of the Development Agreement shall run with the land and be binding upon all present and future owners of any portion of the Wohali Property in the Wohali MPD.
5. The Development Agreement shall implement the MPD and reflect the uses and densities allowed by the rezone and shall be executed by the mayor as an administrative act on behalf of the City and an authorized representative of the Master Developer.
6. The specific land uses and project elements approved in the MPD shall be set forth in the Development Agreement, including ranges of dwelling units, non-residential square footages and ancillary resort support uses and facilities.
7. Density allowed by the rezone amendment and MPD approval shall be set forth and confirmed in the Development Agreement.
8. The maximum potential total number of dwelling units allowed on the Wohali Property is 570 dwelling units, subject to the review and approval of phasing project plat applications.
9. The maximum potential total number of nightly rental resort units allowed on the Wohali Property is 130 nightly rental units, subject to the review and approval of phasing project plat applications.

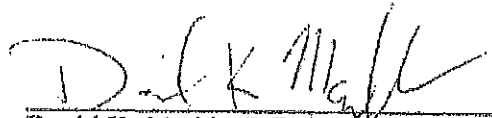
DISCUSSION

- I. It is the opinion of the State Engineer that the proposed dam does not constitute a threat to human life if it fails.

Your contact with this office, should you need it, is with the Dam Safety Office. The telephone number is 801-538-7376.

This **Order** is subject to the provisions of UTAH ADMIN. CODE R. 655-6-17 of the Division of Water Rights and to UTAH CODE ANN. §§ 63G-4-302 and 73-3-14, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this **Order**. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this **Order**, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken within 20 days after the Request is filed.

Dated this 10th day of February, 2020.

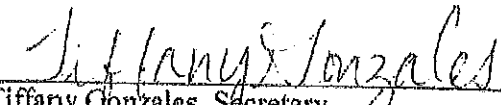


David K. Marble, P.E. / Assistant State Engineer

Mailed a copy of the foregoing Order this 10th day of February, 2020, to:

WOHALI PARTNERS LLC
JIM BOYDEN
2120 SOUTH HIGHLAND DRIVE #209
SALT LAKE CITY UT 84106

Michael Drake - Regional Engineer
Matt Lindon, matt@loughlinwater.com
Jim Boyden, jboyden@wohalipartners.com

By: 
Tiffany Gonzales, Secretary

01/2015

**APPLICATION FOR A DAM NOT REQUIRING
SUBMISSION OF FORMAL PLANS
UNDER SECTION 73-5A-202
STATE OF UTAH**

Received / / Entered / / Application No - -

The following application is submitted pursuant to Section 73-5a-204

1. **APPLICANT INFORMATION**
 Name(s): Wohall Partners LLC - Jim Boyden Telephone: 801-200-4586
 Address: 2120 South Highland Drive # 209
 City: Salt Lake City State: UT Zip Code: 84106
2. **PURPOSE OF RESERVOIR**
 Stock Pond _____ Flood Control ☒ _____ Recreation ☒ _____
 Irrigation ☒ _____ Debris Basin ☒ _____ Fishery ☒ _____
 Regulating Reservoir ☒ _____ Sedimentation ☒ _____ Wildlife ☒ _____
 Diversion Dam _____ Evaporation _____ Tailings _____
 Other (describe): Golf Course Irrigation Pond
3. **LEGAL LOCATION OF DAM**
 County: Summit Quarter/Quarter: SWNW Section: 18
 Township: T2N Range: R5E Base & Meridian: SLBM
- 4A. **FOR DAMS BUILT ON A NATURAL STREAM OR DRAINAGE**
 Name of Natural Stream or Drainage: Lewis Canyon
 OR Drainage Area above dam: 5.9 (square miles)
 Distance below dam to nearest structure occupied by humans: 2 Mile to Echo Res (miles)
- 4B. **FOR DAMS BUILT OFF-CHANNEL**
 Source of Water (ie: well, canal, ditch, etc.): NA
 Capacity of source to reservoir: NA (cubic feet per second)
 Distance below dam to nearest structure occupied by humans: NA (miles)
5. **DIMENSIONS OF DAM**
 Height (vertical): 23 feet Length (at top): 300 feet Width (at top): 10 feet
 Upstream Slope: 3 Horizontal on 1 Vertical
 Downstream Slope: 2 Horizontal on 1 Vertical
 Surface Area at Spillway Crest: 2 (acres) Capacity at Spillway Crest: 19 (acre-feet)
 Type of Dam (ie: earthfill, concrete, masonry, rockfill, etc.): Earthfill
6. **LOW LEVEL OUTLET**
 Inside diameter of outlet: 12 (inches) Total outlet length: 100 (feet)
 Type of Pipe: Concrete encased Type of gate or valve: Slide
 Location of gate or valve (ie: upstream, downstream, center, etc.): Upstream
 Outlet capacity with gate open and reservoir at maximum capacity: 8 cfs (cubic feet per second)
7. **SPILLWAY**
 Crest Length (width of spillway): 20 (feet) Depth (bottom of spillway to top of dam): 3 (feet)
 Type of Spillway (ie: earth channel, pipe, concrete, rock channel): Rock channel in natural ground
 Spillway capacity with water at top of dam: 300 cfs (cubic feet per second)
 Control (i.e. gates, flashboards, etc.): None

8. **WATER RIGHTS**

Describe: Coalville City Municipal Water Right from old Boyden Well a15517 (35-2769) 0.078 cfs = 56 acft/yr
2 acre pond with Coalville Evaporation Consumption of 18.54" = 1.55 ft = 3.10 acft/yr (DWRI - USU)

9. **COMMENTS**

Breach flows are less than the 100 year flood or the spillway capacity, with a maximum flood depth of 4 ft.

Matt Lindon PE, Loughlin Water Associates submits this application as a consulting agent for
Jim Boyden, Wohali Partners, LLC

10. **PLANS**

The following drawings, including appropriate scales and dimensions, must be attached to the application:

- 1) A location map, such as a 7.5 minute USGS Quad Map, showing the exact location of the dam
- 2) A plan view of the dam and reservoir including the location of the spillway, outlet, and channel or supply source.
- 3) A profile of the dam along the centerline of the dam showing the natural ground, the top of the dam, and the depth to clearing, keyway bottom or cutoff trench.
- 4) A Cross Section of the dam through the outlet showing the location of the outlet and the types of materials the dam is to be constructed of.
- 5) Details of the spillway, outlet, drains, gates or valves, or other features of the dam or appurtenant structures.

The undersigned acknowledge they have read the instructions included with this application, and are aware no construction is to begin until this application has been approved by the Utah State Engineer.

1/15/2020

Date

Signature

- For Office Use Only -

Water Rights in Order By _____ Date _____

Water Right Numbers if Applicable _____

Regional Engineer's Hazard Rating (High, Moderate, Low) _____

Reviewed by Dam Safety By _____ Date _____

Estimated Breach Flow at Dam _____ (cubic feet per second)

Comments _____

Date of Approval

State Engineer or Dam Safety Director



J-U-B ENGINEERS, INC.

"Exhibit B"
Council 10/26/2020

J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

DATE: October 26, 2020
TO: Coalville City Council
CC: Mayor Trevor Johnson; Zane DeWeese, Public Works Director;
Sheldon Smith, City Attorney;
FROM: Shane McFarland P.E., City Engineer
SUBJECT: Commercial Site Plan Review

Application Information:

Applicant: Escapod Trailers **Applicant Address, Parcel Number:** 627 S. Main Street, CT-360

Applicable Ordinances: Title 10 Chapter 15: Commercial Districts and Title 8 Chapter 7: Commercial Developments.

Decision to be Made: The Planning Commission recommends to approve, approve with conditions, or deny the commercial site plan. The City Council shall approve, approve with conditions, or deny the site plan. They may also remand the project back to the Planning Commission for further review.

Background: The applicant has been approved for a re-zone of the property from R2 to CC. Due to the change in zoning and the need to expand the operation they are applying for a commercial development. This development is subject to planning commission review and recommendation.

Planning commission gave a positive recommendation to the council for approval. Planning had a brief discussion on adding landscaping. No direction was given on the topic.

Staff Comments: Staff gives the following comments for consideration.

1. The Applicant has provided appropriate parking for staff and public.
2. The additional building space is to accommodate operations, assembly, parking, customer entrances (if applicable), employee entrances, etc.
3. The proposed site plan indicates the setback as listed in the community commercial zone. This meets the CC zone front setback, however in the R2 zone we would typically have a 30 foot setback from main street.

The applicant will be submitting construction drawings for building permit review upon approval of the site plan.

If you have any questions feel free to contact me.





SURVEYOR CERTIFICATE
I, DAVID M. WRIGHT, a duly Licensed Professional Surveyor in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the same, and that the same is a true and correct copy of the original survey as shown to me by the owner of the same, and that the same is a true and correct copy of the original survey as shown to me by the owner of the same.

DAVID M. WRIGHT
Surveyor
December 4, 2015
Date

1235 South Boyette Road
P.O. Box 445
Covington, Utah 84007
(435) 336-4210

High Mountain
Surveying, LLC

Sheet 1 of 1

December 4, 2015

CT-360

1.23 Acres

Coalville Main Street

CT-344

Keyes

Coalville, Summit County, Utah

72N, R3E, S18.8M

Parcel CT-360
Located in the Southwest Quarter of Section 16,
T2N, R3E, S18.8M,
Coalville, Summit County, Utah

LEGEND

- Front Lot
- Coalville Main Street
- 100' Right-of-Way
- Overlaid Parcel
- Right of Way Monument
- Stone with Cap
- Surveyed Top Monument
- Surveyed Bottom Monument

Contour Intervals (Existing Grade)

1 inch = 20 feet

1 inch = 20 feet

1 inch = 20 feet

1 inch = 20 feet

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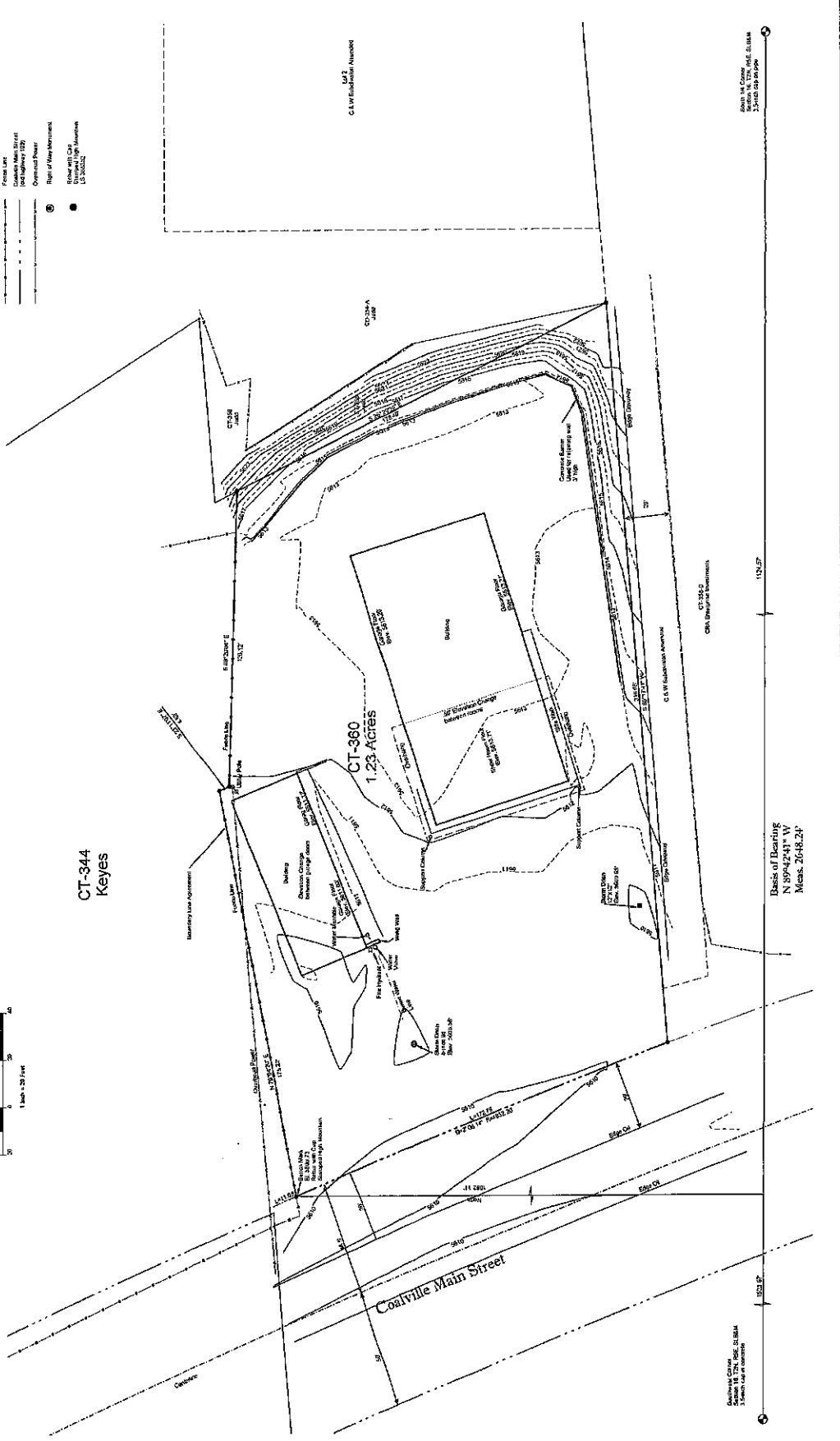
1 inch = 20 feet

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Coalville, Summit County, Utah
72N, R3E, S18.8M
Parcel CT-360
Located in the Southwest Quarter of Section 16,
T2N, R3E, S18.8M,
Coalville, Summit County, Utah

"Exhibit C"
Council 10/26/2020

Utah Strong Recovery Project

The Utah Strong Recovery Project started in July 2020. It is a Federal Emergency Management Agency (FEMA) funded program to help Utahns impacted by the stressors of the Covid19 pandemic. It provides free and confidential counseling by FEMA trained counselors to anyone in Utah in the form of emotional support, coping and problem-solving strategies, mental health education, and community referrals. Spanish speaking counselors are available and translation for other languages is offered.

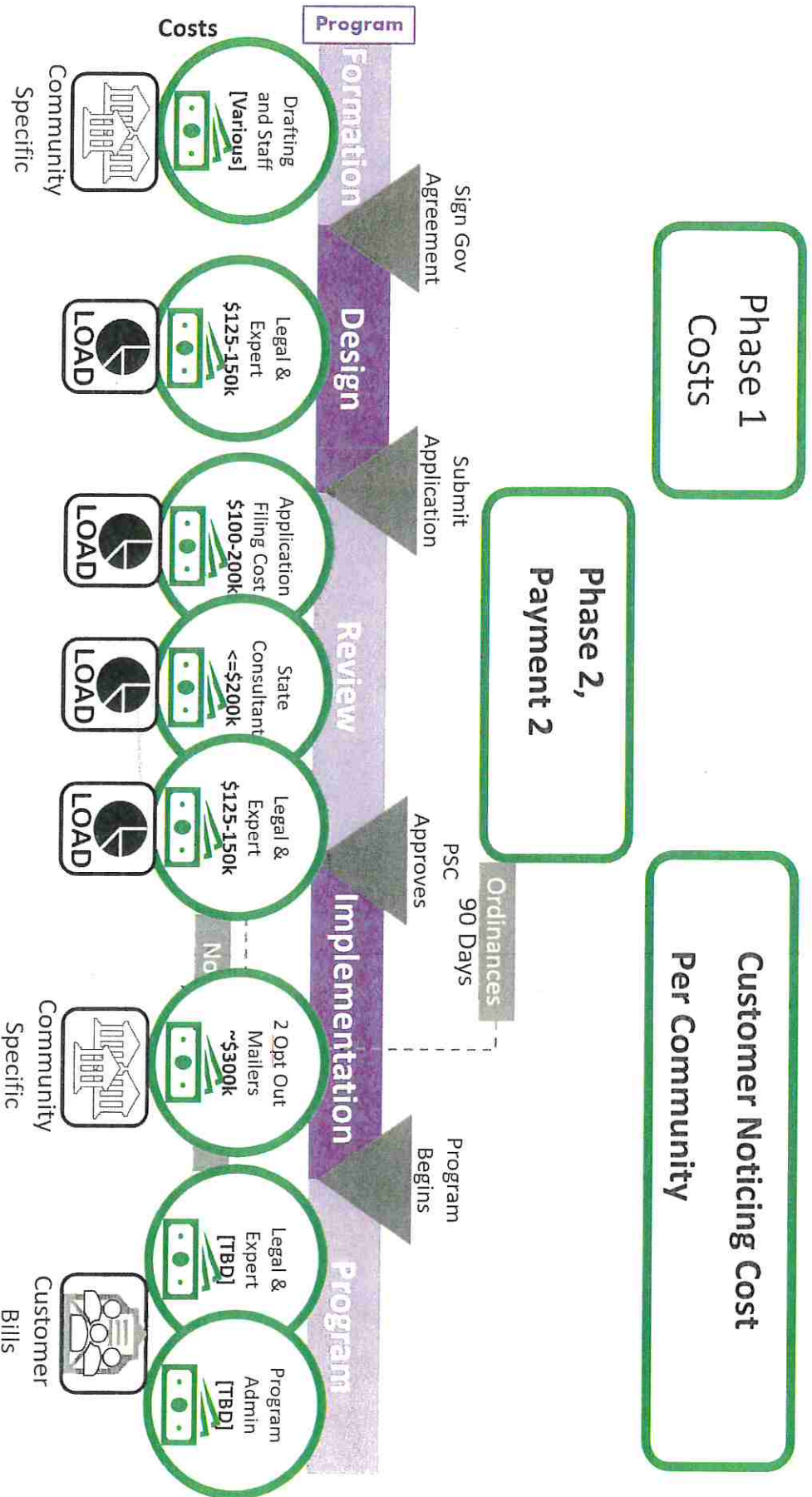
The state has 40 counselors on standby to answer helpline calls from people who are experiencing stress, anxiety or depression because of the COVID-19 pandemic. There is a Wasatch County Team available for individual in-person and online counseling. The Team is also available to present to community organizations. You can call and request the Wasatch County Team through the Utah Strong Recovery Project Helpline.

Call/text Utah Strong Recovery Project seven days a week 7 a.m. to 7 p.m. at 385-386-2289. Or, email your first name and phone number to UtahStrong@utah.gov. For after-hours service, please contact the Utah statewide Crisis Line at 1-800-273-TALK (8255) or the SAMHSA Distress Hotline at 1-800-985-5990.

FREE HELP for COVID-19 related stress	Call/Text 385-386-2289 UtahStrong@utah.gov Everyday 7a-7p	AYUDA GRATUITA para el estrés relacionado con COVID-19 Llamada/Mensaje 385-386 2289 UtahStrong@utah.gov Todos los días 7am - 7pm
THE UTAH STRONG RECOVERY PROJECT		
EL PROYECTO DE RECUPERACIÓN UTAH STRONG		

FEMA Human Services SAMHSA

PROGRAM IMPLEMENTATION AND EXPENDITURES



PROPOSED ESTIMATED COST SHARE PER COMMUNITY

Community Name	Fiscal Year	Population (UT Tax Commission)	Population (%)	Electric Loads (Dec 18 - Nov 19 Total MW-hours from RMP)	Electric Load (%)	Cost Allocation % (Population and Electric Load)	Non-Noticing Costs	Avg Number Customers (from RMP)	Opt Out Notice #1 @ \$5,410.96 per mailer (from RMP)	Opt Out Notice #2 @ \$3,854.5 per mailer (from RMP)	Noticing Costs	Total Estimated Community Costs Using Proposed Method	Gov Subgroup Liaison
Alta	Jul - Jun	379	0.059%	7,419	0.101%	0.080%	557.84	259	106.44	99.83	206.27	764.11	Michael Shea
Bluffdale	Jul - Jun	16,358	2.528%	404,909	5.502%	4.015%	28,105.01	5,319	2,185.90	2,050.21	4,236.10	32,341.12	Christopher Thomas
Castle Valley	Jul - Jun	350	0.054%	1,920	0.026%	0.040%	280.61	260	106.85	100.22	207.07	487.68	Pamela Gibson
Coalville	Jul - Jun	1,596	0.247%	12,694	0.172%	0.210%	1,466.95	-	-	-	-	1,466.95	Lisa Yoder
Cottonwood Heights	Jul - Jun	33,843	5.230%	217,716	2.958%	4.094%	28,658.79	14,437	5,933.03	5,564.74	11,497.77	40,156.57	Samantha DeSeelhorst
Emigration Canyon Township		1,592	0.246%	7,219	0.098%	0.172%	1,204.37	603	247.81	232.43	480.24	1,684.60	Michael Shea
Francis		1,574	0.243%	5,611	0.076%	0.160%	1,118.19	614	252.33	236.67	489.00	1,607.18	Lisa Yoder
Grand County Unincorporated	Jan - Dec	4,068	0.629%	67,202	0.913%	0.771%	5,396.37	3,058	1,256.72	1,178.71	2,435.42	7,831.79	Pamela Gibson
Holladay	Jul - Jun	30,325	4.686%	173,540	2.358%	3.522%	24,655.05	12,742	5,236.45	4,911.40	10,147.86	34,802.91	Samantha DeSeelhorst
Kearns		2,276	0.352%	15,035	0.204%	0.276%	1,946.07	952	391.23	366.95	758.18	2,704.25	Lisa Yoder
Kearns		36,330	5.614%	123,129	1.673%	3.644%	25,505.30	10,518	4,322.48	4,054.16	8,376.64	33,881.94	Michael Shea
Millcreek	Jul - Jun	61,450	9.496%	320,568	4.356%	6.926%	48,481.85	24,763	10,176.60	9,544.90	19,721.50	68,203.35	Samantha DeSeelhorst
Moab	Jul - Jun	5,336	0.825%	60,820	0.826%	0.826%	5,778.61	3,491	1,434.66	1,345.61	2,780.27	8,558.88	Pamela Gibson
Oakley		1,740	0.269%	8,994	0.122%	0.196%	1,368.83	721	296.30	277.91	574.21	1,943.04	Lisa Yoder
Ogden	Jul - Jun	87,773	13.564%	944,876	12.840%	13.202%	92,411.20	36,585	15,034.97	14,101.69	29,136.66	121,547.86	Amy Mabey
Park City		8,526	1.318%	260,796	3.544%	2.431%	17,014.95	10,470	4,302.75	4,035.66	8,338.41	25,353.37	Luke Cartin
Salt Lake City		200,567	30.994%	3,160,918	42.953%	36.973%	258,812.53	98,217	40,363.26	37,857.74	78,221.00	337,033.54	Christopher Thomas
Salt Lake County Unincorporated		10,480	1.619%	490,184	6.661%	4.140%	28,981.60	12,312	5,059.74	4,745.66	9,805.40	38,787.00	Michael Shea
Springdale		629	0.097%	18,406	0.250%	0.174%	1,215.58	617	253.56	237.82	491.38	1,706.96	Luke Cartin
Summit County Unincorporated	Jan - Dec	25,454	3.933%	294,486	4.002%	3.968%	27,172.83	13,299	5,465.36	5,126.10	10,591.46	38,364.28	Lisa Yoder
West Jordan	Jul - Jun	116,480	18.000%	762,583	10.363%	14.181%	99,267.48	38,277	15,730.32	14,753.87	30,484.19	129,751.67	Christopher Thomas
TOTALS		647,126	100%	7,359,026	100%	100.000%	700,000.00	287,514	\$ 118,156.75	\$ 110,822.27	\$ 228,979.02	\$ 928,979.02	

Updated 10/22/2020 LV

High-end cost estimates by phase (best guess)			
Phase 1	1/2 Comm. Expert	\$	150,000.00
Phase 1	1/2 RMP App	\$	100,000.00
Total Phase 1 Costs		\$	250,000.00
Phase 2	OCS-DPU Expert	\$	200,000.00
Phase 2	2/2 Comm Expert	\$	150,000.00
Phase 2	2/2 RMP App	\$	100,000.00
Total Phase 2 Costs		\$	450,000.00
Total Non-Noticing Costs		\$	700,000.00
Phase 3	Comm Noticing		per community

KEY DECISION-MAKING/EXIT POINTS	
1. Execute Governance Agreement, Allocate Phase 1 & 2 funds, Design rates, PSC filing.	
2. Upon PSC approval of projected renewable energy rates to customers:	
If projected rates are acceptable, pass ordinance ; incur noticing costs.	
If rates are not acceptable, community opts out; incur no further costs.	
IMPORTANT CONSIDERATIONS	
Lowest cost incurred when all communities remain in the program to share costs.	
If communities drop out, cost share must be reallocated proportionately.	
Execution of Governance Agreement commits communities to share costs.	
Projected costs are estimates, subject to change.	

"Exhibit E"
Council 10/26/2020

From: Lynn Wood <lynn@eprimeconsulting.com>

Sent: Sunday, October 25, 2020 6:23:01 PM

To: cody.blonquist@coalvillecity.org <cody.blonquist@coalvillecity.org>; don.winters@coalvillecity.org <don.winters@coalvillecity.org>; rodney.robbsins@coalvillecity.org <rodney.robbsins@coalvillecity.org>; phil.geary@coalvillecity.org <phil.geary@coalvillecity.org>; Tyler Rowser <tyler.rowser@coalvillecity.org>

Subject: Issues on Tomorrow's Agenda

Dear Councilmembers:

Based on information received from Eric Jones, Utah Water Rights Engineer, there can be no question that Coalville City water rights were used to obtain Wohali's small dam permit. Mr. Jones also indicated that, "it was understood that Wohali had an agreement with Coalville City that the beneficial use would be covered by the municipal water right(s)." This situation creates several questions that I hope the Council will require answers to in the next City Council meeting.

1 - Was the City Staff aware that the city water rights were listed on the application? If so, who gave permission for these rights to be used? How was this "understanding" of city agreement arrived at?

2- What water rights does Wohali or the Boyden family own? Why were these not used in the small dam application? Any Wohali water rights need to be brought to the table.

I also see that the council is considering the continuation of code writing responsibilities. In a staff report dated March 18, 2019 Don Sargent provides a list of Wohali's requested amendments to the MPD provisions. It's clear that the majority of the new MPD code came directly from the Eastern Summit County development code 11-4-12. Only a small section of the original code was retained so it is very simple to locate the language that was inserted. Comparing this with the Wohali list it became clear to me that the developer had extensive influence on the final product.

One of the newly inserted "special exceptions" has been used by the developer as justification for a reconsideration of the Ombudsman Opinion. Our attorney doesn't expect a major change but, if after considering the revised code, the opinion was reversed it would absolutely fuel the concerns of many citizens that the new code was written to favor the project. Can you imagine the outrage if under the prior code the project was "not entitled to approval" and after considering the revised code an approval was recommended?

During the revision of the MPD provisions the developer had unlimited access to staff - as much as they were willing to pay for - while the public and even the Planning Commission/Council had relatively little. Based on this and many other factors I believe the line between developer and staff has been crossed too many times. I urge you to separate the responsibilities of code writing and project management to avoid any future conflicts of interest.

Thank you for all the time and attention you give to these important issues.

Sincerely,

Lynn Wood