



COALVILLE CITY COUNCIL WORK SESSION AND MEETING NOTICE AND AGENDA

Notice is hereby given that the Coalville City Council will hold a Work Session and Regular meeting on **Monday, July 27, 2020** at the Summit County Ledges Event Center, 202 East Park Road, Coalville, Utah. This meeting will begin at **6:00 P.M.** **Due to the Covid-19 restrictions, Face Masks must be worn for attendance at the meeting and Social Distancing rules will apply.** The agenda will be as follows:

1. Roll Call
2. Pledge Of Allegiance
3. City Council Agenda Items:
 - Work Session:**
 - A. Continued Review And Discussion Of The Proposed Wohali MPD And Phase I Preliminary Subdivision Plat As Recommended For Approval By The Planning Commission
 - Regular Meeting:**
 - B. Continued Public Hearing On The Proposed Wohali MPD And Phase I Preliminary Subdivision Plat To Receive Continued Public Comment And Input On The Application For A Possible Action
 - C. Planning Consultant Updates
 - D. Public Works Updates
 - E. Community Development Updates
 - a. Business Licenses
 - F. Legal Updates
 - G. Council Updates
 - H. Mayor Updates
 - I. 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 July, 2020.


Nachele D. Sargent, City Recorder

Mayor
Trever Johnson

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

****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: July 23, 2020 City Hall, Coalville City Website, Utah Public Notice Website

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Coalville City Council
Regular Meeting and Work Session
HELD ON
July 27, 2020
IN THE
Summit County Ledges Center

Mayor Trever Johnson opened the meeting at 6:05 P.M.

COUNCIL PRESENT: Mayor Trever Johnson
Council: Cody Blonquist, Tyler Rowser,
Rodney Robbins, Philip Geary
Don Winters

CITY STAFF PRESENT:

Sheldon Smith, City Attorney
Shane McFarland, Engineer
Don Sargent, Consultant
Zane DeWeese, Public Works Director
Nachele Sargent, City Recorder

PUBLIC IN ATTENDANCE:

Eric Langvardt with wife and daughter,
Julie Marsh, Mark Marsh, Kelly Ovard,
Sheryl Rees, Tom Rees, Albert Richins,
Jodie Coleman, Daniel Richins, Camellia
Robbins, Margarita Richins, Ashley Lewis,
Jenilyn Johnson, Courtney Richins, David
Vernon, David Bell, Allan Bell, KCPW,
Polly McLean, Lynn Wood, John Kaiser,
Jack Walkenhorst, Jim Boyden, David
Boyden, Paula McGee, Louise Willoughby,
Wade Budge, Cordell Hull, Alexander
Cramer, Chris Horne, Ben Keyes, Jeff
Vernon, Richard Horne, J Anson,
Adrienne Anson, Drew Robinson,
Gretchen Klein, Cara Duffin, Brody Duffin,
Candace Horne, Stefanie Bowen, Bronc
Porter, Brody Porter, Wade Budge

Item 1 – Roll Call:

A quorum was present.

Item 2 – Pledge Of Allegiance:

Mayor Trever Johnson led the Council, Staff, and Public in the Pledge of Allegiance.

Work Session:

Item A – Continued Review And Discussion Of The Proposed Wohali MPD And Phase I Preliminary Subdivision Plat As Recommended For Approval By The Planning Commission:

Mayor Trever Johnson stated this was a continued review of the proposed Wohali MPD and Phase I Preliminary Subdivision Plat. He stated he would like to suggest to the Council to consider not taking action tonight on the proposed project. He stated the CFRG group had requested an opinion from the State Ombudsman and suggested waiting at least until the next meeting to see if an opinion came through. Mayor Johnson turned the time over to Shane McFarland for information about the City water. Shane McFarland explained JUB Engineers LLC had completed a Water Master Plan for Coalville City that identified the water needs for Coalville City. He explained the water projects the City had completed and was currently working on (Exhibit A)

Don Sargent referred to the Staff report (Exhibit B) and reviewed the key points of the Wohali application. He verified the resort amenities originally proposed were part of the new application, but would now only be for Members and not the general public. He referred to the opinion letter from David Church and stated nightly rentals would be allowed and the Planning Commission had indicated the number allowed should be decided by the City Council. Don stated the Developer would be required to provide any infrastructure needed for their Development. He stated the City didn't have a secondary water system on the West side of the Freeway and the Developer had agreed to take full responsibility for supplying the water and infrastructure needed for the golf course, but felt the City should supply the water for the residential lots as they were a permitted use and similar to any other development in the City. Don stated a draft of the Development Agreement was currently being compiled and would go to the Planning Commission in August for review. He addressed the question regarding open space and stated the golf course was considered open space, but the accessory uses couldn't be part of the open space acreage and had been accounted for. Mayor Trever Johnson verified there were 194 structures that comprised the 303 nightly rentals.

Eric Langvardt stated the village plan map was current for their proposal. He stated they had been working with Staff on the secondary water issues. The secondary water for the golf course will be a completely separate system from the City secondary water system. He stated the golf course ponds would feed the pressurized irrigation system. Eric reviewed the roads and entrances to the project on the map. He stated they were currently working with Summit County to design the roads to the County standards as they were County roads. Council Member Don Winters stated he was concerned if the bridge could handle two concrete trucks passing each other and wanted to make sure if they took out the bridge it would be replaced by the Developer and not the City. Shane McFarland stated the bridge was designed to meet the UDOT standards and they shouldn't have a problem. He stated he would verify the weight load for the bridge. Eric Langvardt stated they were using the traffic study that had been completed previously. He stated with the smaller impact and reduced density, it would cover this Development. He stated if the emergency access road was declassified by the County, Wohali would still have rights to use the easement if needed for an evacuation plan. He stated they had a plan in place for action on where to go if needed. Eric stated they would install a 500,000-gallon storage tank to meet the fire flow requirements. Shane McFarland stated it would be connected to the City

water system and would capture any overflow from Icy Springs which would be a benefit to the City.

Regular Meeting:

Item B – Continued Public Hearing On The Proposed Wohali MPD And Phase I Preliminary Subdivision Plat To Receive Continued Public Comment And Input On The Application For A Possible Action:

Mayor Trever Johnson continued the public hearing at 7:51 P.M.

Mayor Trever Johnson invited anyone to comment and stated they could speak again even if they spoke at the last hearing. He also welcomed anyone that lived outside the City limits to comment.

Mayor Trever Johnson read a letter from Laurie Hirzel (Exhibit C).

Mayor Trever Johnson read a letter from Steve Hirzel (Exhibit D).

Mayor Johnson reiterated he would like the Council to consider putting off the vote tonight.

Adrianne Anson – 146 S 50 E

Adrianne Anson stated so this year, I was so excited to start a new resolution and wash my hands of City Council. And it was just awesome to be not coming to these meetings and just turning a new leaf and forgetting all of these things and just loving my neighbors and my community and without any resentment or any sort of agenda. So, I texted my husband after I think it was the last, last meeting and said I need to take care of you, our kids, and lose weight and that's all that really matters. And my mantra was, "All that stuff is not my business or my problem anymore." But I do think it has kind of come to the point where it actually is both my business and my problem too again. And it's for two reasons. And first of all is, because of our special interest group's refusal to allow this project to go forward at all, we are both costing our citizens, and we're also bullying our Applicant. My first point is we're costing our citizens, as we had 18 months of negotiations to make the project the most beneficial to the City as well as to the Applicant and it was botched. All of the public amenities were taken. The water won't be implemented into the City's usage now. We'll have to bring water to them. And the caveats of second home requirements as well as a huge decrease in density allowed, is going to hit us on our tax revenues. And this is a cost to us. As we realize how important tax revenue is for Cities, especially in this COVID pandemic, you realize that the cities really do need help in these things. By denying this application, we would cost our City and its citizens just as we are still paying the costs for Allen Hollow. So that was my first reason for coming back and speaking. We are costing our City and our citizens by not allowing a reasonable project. And the second one is because I think an injustice is happening. I think that some mean bullying is happening. I am the poster child of being really excited about this at the very beginning and I was dumb enough to tell everybody why. And I gave everybody else a good reason not to speak out about this. But I do think that this is also personal to your Applicant. I think Jim Boyden and even Eric Langvardt are personally invested in this. Jim

because this is his family's land. I know a lot of you guys are tied to your families here. And I know Eric is also invested in this because I've seen his cute wife coming and supporting him through all these things. And I just think that these aren't nameless and unfeeling investors that don't really care what happens. These are real people that are kind of our neighbors. And they play by the rules. So, my husband and I finished our basement just about a year ago, and we wanted to play by the rules and we filed for a building permit. And to us, it was a lot of extra cost. And it could've been easily avoided, but we wanted to play by the rules. These guys have played by the rules. They have done everything you've asked of them. They have done everything that we could think of asking for or that we've been told to ask for. And as we ignore third-party professionals like Hydrogeologists, like our State Water Attorney, and like our League of Cities Attorney David Church, if we ignore all these people and just say we don't like it, that's unfair. That's not fair. That is bullying. So those are the two main reasons I feel like you need to consider this preliminary application. You need to let it move forward. And this is now your business. You don't have to answer to any special interest groups. You have to answer to yourself. Okay? You made an oath to uphold our laws and our statutes and our Codes the best that you can. And I know you guys to be fair contractors and an awesome accountant and to be a helpful person. And I know that you guys have the courage to give these guys a fair shake and to understand that they've done what they need to do and you guys can do what you need to do too and I'm proud of you. Thank you so much.

David Bell – Bell Bros. Oil

David Bell stated he is the owner of businesses in Coalville. Thank you, Mayor. Thank you for the hard work that you do on all of this. I am neutral on the project, neither for or against it, but I do have some questions that I'd like to put forth that I don't feel like I've been able to read or hear the answers to. And first and foremost, this is not the first application. This is new application. I've heard a lot of references to things from the prior application, I have a hard time seeing that those are relevant, that those are pertinent. If they're not part of this new application, I don't see them as being in here at all, whether they were in a prior application or not. And so in regards to that, I've got concerns about the traffic study. I'm not seeing a traffic study in the report I have in front of me. I didn't see a traffic study on the website when I was looking for it with the new application. I don't know if there are concerns to look at or address. I don't even know what questions to ask without having that kind of a study made available. I would ask the Council if they would look into that and require something to make that available to the public and allow for those comments to be made and heard and responded to prior any decisions. Mayor Trevor Johnson stated we can help you out with that real quick. There was a traffic study done with the prior application. It got brought up a little bit here tonight. And that was under the assumption of 530 residences and 100 nightly rentals. So, the reduction in density will be a reduction in traffic. So, it was felt there wasn't a need to update that type of study. Is that right, Don? Don Sargent stated that's correct. Based on the previous as you indicated, Mayor, based on the 570 plus the 130 and 700 full units of development, the traffic study that came in, came in at the acceptable level of service under the City Code requirement and Engineering requirements. So, when the new application came in, we verified that again and determined that since the first one complied with almost three times the density that a new study wouldn't be necessary. And in addition, the configurations did not change on the preliminary phase one plat. So, all the lots are the same as the previous.

David Bell stated I appreciate your comments. I think differently. I think what's part of the application should be in front of the Council to look at and decide. It's not part of the application and I think it should be. Whatever that traffic study is, there have been such significant changes in this new application, and I believe that needs to be looked at. I think that, for instance, I guess residential got dropped from what we were given significantly, but the nightly rentals went up three times as much. I would think that a nightly rental would generate more traffic than a secondary home that was lived in or visited a few times a year. And so there could be significant changes in a traffic study. I would ask the Council to consider a need for an updated whatever study needs to be. The other similar questions that I have are on water and on sewer. I acknowledge that I saw a study somewhere else of proposals for the first application. I don't see any of those things in this new application, but rather I see that the Applicant is relying on the City to provide those services for sewer and water. And I appreciate hearing early on the foresight of Coalville City looking at the Shallow Well and looking at pulling water from the river. None of those things, maybe they don't need to be part of the application, but for me to understand where the water use is or how much water's available, where it's coming from, and part of what that means for the City, I would personally like to see some kind of study of what are the needs of the Development. How does it relate with what Coalville City has on the books and able to provide and how much leeway is there once those items have been met? I operate businesses that are my concern, like I said, my concern is that if we don't handle the water and the sewer properly, all the sewer on that side has to come across the freeway and the river to the sewer plant. My businesses that are already in place would be severely impacted if the water is not handled properly and the sewer is not handled properly. So, I do have a concern. I'm not against the project. I just want to make sure that my investment that had already been in place is not put in jeopardy through shortsightedness on these issues. I think there needs to be a study on water and a study on sewer as part of the new application that shows exactly where things lie and what those requirements would be. And so, I don't have anything to respond to because I don't see those studies, other than I do have a great concern that we don't jeopardize the people who are already in place and that we make it allow for everyone to be successful in this. The final point that I have is the nightly rentals will significantly increase, if you will, and I'm not sure where those nightly rentals will come from. If I understand right, it sounds like the golf part of the project is a membership driven facility that the public generally won't be invited into the golfing aspect. I'm not so sure and maybe someone can answer, is the nightly rentals also a membership driven rentals? So, the public would not be invited into any of those nightly rentals? Mayor Trevor Johnson stated the nightly rentals are considered a support use for the golf course, that recreational use. So yes, anybody coming in would have to be a member or family of a member of that golf course. David Bell stated I would encourage that to be made more clear from the Council. It wasn't clear to me where those nightly rentals would come from. Mayor Trevor Johnson stated it's been actually beat to a pulp in the last few weeks. Because of the nature of the use of the golf course and nightly rentals being classified as a support facility, they can't come, for example stay at a nightly rental and then go to the fair or whatever and not be part of the use. There's very specific guidelines on what the nightly rentals would be used for. So, if you're concerned about competition for the hotel for example, they're two different demographics. David Bell stated well I am concerned and let me point out why. I didn't see it in the staff report or anything online where it was explicit on where those night rentals came from or how they were handled. And so that brought up my concerns. We

have had the hotel there for 20 years now, and during that time period the hotel has operated on average of about 10% of the industry average in the Northern part of Utah. And so, the reason we've been able to stay and be successful is because we also don't have any competition. Only a few up and down the road like they do in some other areas. On the other hand, if these nightly rentals and the existing businesses are all after the same customer, I personally don't see that that customer base is there. If these nightly rentals are bringing in a brand-new customer that would not have come into the town otherwise that are very much for the golf facility itself, that's a completely different situation. I applaud that, and I think that would be great. And if that's the case, maybe that is, I would appreciate it if it were spelled out that way in the reports or in the decisions from the Council. Mayor Trevor Johnson stated is it not spelled out that way? That the support facilities, the nightly rentals are for members of the golf course and not just anyone. I guess that's really up to the Developer, but the use of the nightly rentals is specific to the golf course. Don Sargent stated that was correct. Council Member Rodney Robbins stated that was part of David Church's letter. David Bell stated that leads me to question if I was on VRBO or Airbnb if I was not a member of the golf course, could I rent one of these nightly rentals, show up with my family, and because I rented it for that night, I get admittance to the golf course for that day or that short period of time and then I no longer get it? There's a difference between being a long-term member and being given short term admittance to the facilities and that's what I'm trying to clarify. Eric Langvardt stated he would comment on that when Mr. Bell was finished. David Bell stated so those are all my concerns that if the water was to pick up 400 and something connections it looks like it would be added on to Coalville City's existing 700 and something system and that's more than a 50% increase and so I'm just concerned that you make sure that those issues are covered properly. Thank you for your time.

Eric Langvardt stated he would respond to the comments and questioned as far as a traffic study was concerned, if they were required to provide one with a permitted use application. He questioned if any of the other projects were doing traffic studies. Don Sargent stated he wasn't aware of any other projects doing a traffic study. Eric Langvardt stated I think we were asked to because of the rezone and it was negotiated for additional density. So, I don't know if that solves the question. It feels like we've gone beyond on many occasions, that being one. The impact is obviously less. I think that spending the time and money to do another traffic study would be an overreach. But water and sewer, all we're asking for is to be treated like any other Coalville citizen with permitted uses. We've worked with Shane and Zane and the team and that issue speaks for itself. And it's easy to keep saying water and sewer are issues, whatever, you know. But we're not asking for anything above and beyond what's permitted. So just like anybody else in the City. The nightly rentals are allowed to use, and will be used as nightly rentals, they will be geared and provided for members of the resort. You'll have members who have their family members that come out. You may have a prospective buyer that's coming in from Texas or Park City or where ever it is, and you can put them up in those. We can stipulate that in the Development Agreement. There's nothing in Code, I don't think, that prohibits how those are used. I don't know that the nightly rentals in town are prohibited by who uses them. I know they are prohibited by how long they could use them. But that is the entire position on the nightly rentals. They are supporting the use and now I'm going to make it clear, that it's not only a golf course that's for recreational use, but all those other proposed recreational uses are supported by those nightly rentals and they will be for the

use of the members and the members' families. And yes, members of the club. So, I don't think there's any, I mean, obviously, I think it's ideal, and what you said is it's a positive if that's the case, and that is people and that is the direction of the nightly rental lodging. I think that was all of them.

Jodie Coleman – 190 S 50 E, Business Owner

Jodie Coleman stated I'm a lifetime Coalville resident and former Coalville City Council person. I've served on several Summit County organizations and things. I own a business on Main Street and also two mobile home parks here in the community. I'm a little bit late to the party, and I agree with Adrienne. When I left City Council, I was done. I mean, it's a very thankless job, and the decisions that you have to make are very hard. And you're always going to piss somebody off. You're never going to make the right decision that serves everyone. The Community Group is going to be mad, the Developer's going to be mad. You're not going to make everybody happy. But one of the ways that I got around that was I saw my role in Council as not how I personally felt about an issue, but my job was to uphold the ordinances, the Codes. The oath that I took was not, "What does Jodie Coleman think? What's going to benefit me or my family or a loud group people?" That's not it. That's not your job. Your job is to look at the facts and treat this Developer just like you'd treat Courtney and Daniel and myself if I wanted to change my property or my business. If I want to put up a sign, I should be able to put up the same sign as long as I follow the Codes and ordinances that you have set forth, whether you like the color, the font, or the blah, blah, blah, it's not your business plan, and we shouldn't be dictating their business plan. You should be dictating the development and what the Codes are, in my opinion. I heard this quote, and I like it. "Your personal opinion and your agenda does not become policy." That's not the policy that you should follow. So, if you got on the Council because you're pissed off about Wohali, you're not on for the right reasons. Plain and simple. That's not your purpose. Your purpose is not to come to the Council and stop this Development. Your purpose is to walk through this Development and make it the best for the community, the best for the Developer. Work together. And I feel like those two years prior to this, the Council and Planning was trying to work together, and it all got shut down. And now we're back to the same thing. Like Adrienne has said, we're spinning our wheels trying to come up with a reason to not approve this. You're not listening to lawyers, you're not listening to professionals, you're not listening to anybody who's giving you good advice that's said, "This project meets your criteria. This project needs to be passed." But yet you're still trying to find water. Shane went through the whole water thing. I was on the Council when we were talking about water back then. He went through it all. It fits. It fits with where our world is going. It fits. And now we're going to have to pay for it. So that's that. I think there's a common reaction about change and growth. We've seen our neighboring communities, Kamas, Morgan, you know, everyone's growing, and it's scary. Nobody wants our town to change. But we're not a big valley. We don't have huge parcels of land to develop. In my opinion, this is the best development that could come from this scenario. It's a little bit of impact to our community, hardly any to the schools, but it's a great tax return. They are going to come in and they are going to enjoy their Development, hopefully buy some groceries or maybe get their hair done and leave. Their kids aren't coming here, they're not driving all over the place. So, in my opinion, it's a good development, if we have to have one. We need all types of housing in our community. We need apartments, single family, mobile home parks, and high end.

I'm sure that if I came here and wanted to put in 500 mobile home units, there would be people that say, "We don't want those people in our community." And that's what I've been hearing for two years. "We don't want those people." Well, being a jerk is not on an economic scale. I know poor jerks and I know rich jerks. And so, I don't like that attitude and I don't like being classified as a community that doesn't welcome people into our community. It's been disheartening, I guess over the last couple years to hear people say that. I believe in property rights. I think most people do as long it's their own property. If it's not their property, they don't agree with it. The land owner, if they don't agree with what the land owner wants to do, all of a sudden property rights are out the window. You know? And if they're no longer a big deal to somebody, unless it's your property, and you want to put up a shed or you want to do something, and all of a sudden, it's a big deal. And you should do what you want with your property until it's your neighbor, right? I talk to the people in the community all the time, and that's probably why I got burned out with City Council, because you only hear the negative. Nobody ever comes up to you and tells you you've done a good job and thanks for all your hard work and consideration and the hard decisions you had to make, and a lot of my years was about poop, so that was super fun. Let me tell you. Talking about the sewer plant for four years. Um, but, so I talk to a lot of people at work and on Main Street and stuff and you know a lot of people just did not want to get involved. I didn't want to get involved. I didn't want to post anything on social media. You don't want to bring your family into that. Adrienne got it bad, you know? And it's just not worth it. You can forget it. I'm not getting involved, but then there's a point where you kind of do need to say something. Not everybody believes that this Development is so bad. I don't think that anybody wants huge development, but they have a right to develop. And most people that I've talked to said they haven't got involved because they didn't want to be bullied and they didn't want to be ridiculed. Most people are just kind of over it. They're like, "Just decide already. We're over talking about it. We're over spending our money about it." They also claim their property rights. They stated they cannot make this Development impact their daily life in a negative way. They want more businesses in Coalville, but they understand that we need more citizens to support those business in staying open. When I was on the Council, I remember specifically there was a meeting where we were saying Coalville's dying. We need growth, we need some vitality to this town. And now, we have it. Probably too much of, so be careful what you ask for, I guess. But there was that conversation just a few years ago. I guess, you could go round and round and round and talk and talk and talk about water, sewer, and this and that. I have trust that, that the research has been done, the due diligence has been done. I think it's time to make a decision on this property, or on the Development. I guess in closing, I would just like to say again, your personal opinion or your agenda should not become policy. It shouldn't. Whether you believe in this property's project or not, it shouldn't matter. Not one bit. It should go by the facts. Does it meet what the Codes are and what's already been set forth in planning? That's where it all starts. There you go. That's my opinion. Thank you very much.

Ashley Lewis – 359 E 100 S

Ashley Lewis stated I've got a two-year-old at home that I need to put to bed which is much more important than any master plan development or anything else so I'll be brief. I 100% agree with you, Jodie. I've been one of those people that has kind of sat back, watching to see how this goes, but I'm super interested. I'm interested in my kids' future

in this town. People who want to invest in this community, my hat's off to you. To have to go through this, in this manner, it's kind of embarrassing. But, I'm super proud of Coalville and the community. I want to thank you for, for putting yourself out there. It's not easy. And the only thing constant in this world is change and we have to embrace it, and I'm all for this Development. It's kind of out of sight, out of mind. And that's all I got to say.

Daniel Richins – Property Owner, Developer

Daniel Richins stated ten years ago I probably could have beat Ashley to the mic. I got some apartments and some storage units down there west of the Polar King, west of Main Street. So, I could not agree more with what Jodie has just said, and Ashley. I'm 100% an advocate for private property rights and not opinions. It's either a straight up black and white development, you're either approved for it if they're not asking for any extra density, they meet every recommendation, every Code, every zoning, every everything, then I'm with Jodie. I don't know why we keep dragging this on, and I'm late to the party too. I mean, two years sounds like it's gone by and back and forth, back and forth looking for reasons just to shut it down, based off of some minority's opinion. And at some point, the majority of the people in this room have, at some point, capitalized on ground, that's either family ground or ground that they went out and purchased and tried to do something with, and that's fine, as long as they're going to do it, but like Jodie pointed out, someone else is going to do it and it may be your neighbor and all of a sudden you have a different opinion. And opinions have no place on the Council where you guys are. My hats off to you for doing the service you do; you do a great job. I'm with Jodie, I think if you've done your research and you're checking all the facts, checking all the boxes that need to be checked to make sure we don't miss anything, then if we don't, then I think diversity is good. I think competition is good. I think that to come up here and say, "Well, jeez. That might hurt my personal business so, I'm going to do everything I can possibly do to shut that down." That's not fair to anybody, to hold it over their head and not let them take advantage of something they own or bought. And again, this town, when I was a kid 30 years ago, there were a lot more places to eat in this town. There were a lot more things to do in this town. Growth, we do need growth. We do need diversity in this town. Every town needs it. You need a tax base. And for people who are willing to invest, and I being one of them, and there's a million and one hoops to jump through. And there's not a lot of people who have the patience or the will to want and go and do that. So, if people are willing to do that, to bring something positive to this town, and we should hold them accountable for what we have in our zoning and our Codes, and if they meet it, we should let them do it. We shouldn't discourage people from coming to Coalville. And we've been doing a great job of that. Some people have taken it upon themselves to go out and get signatures to say we don't want, like what Jodie said, quote "these people" to come to town. Well, a community takes everybody and there's a lot of people in this room who have their own businesses that are supported by everybody else in this room, and they're not asking to do anything different. So, that's my opinion and Jodie summed it up great. She really hit the nail on the head when she did that. Thanks.

Drew Robinson – 297 S Main

Drew Robinson stated like Dan said, I totally agree with what Jodie said. It actually kind of creeped me out, because Jodie stole everything single word I wanted to say. But I own

property up just passed where this Development's going to go. And you know, at first, I was a bit concerned because our road goes right through it. And we also border the Boyden family in a couple of different spots. They're good people. They're not just looking to sell their property and make millions and get out of here. They're personally invested in this project like Adrienne said. And as well as, I forgot the gentleman's name, said. But I didn't think I would be this nervous to talk in front of people. This is not my thing and normally I stay out of this kind of thing. But, like Ashley said, it's come to a point where it's getting a bit out of control where telling people what they can and can't do with their property. And like Daniel said, it's property rights and if you want to develop, you should be able to develop. And aside from all the benefits that will happen for the school. I have three kids and this will not impact the schools because there's going to be people coming in and out and the permanent structures, the houses, they're not adding kids to the school, most likely. So, it's just money that's coming in that's there. I know I'm not making any sense. But yeah, that's what I have to say and Jodie, thank you for speaking out. I think it's time to speak out and stand up for property owners. Thanks.

Brody Porter – Morgan

Brody Porter stated I stand in front of people, and talking is not really my thing. But I've been in Coalville and Morgan my whole life growing up and there's a lot of change. We're all sitting here wearing a mask in Coalville, Utah. But, I'm on board with all you had to say. As a small business owner, I rely on people to get do things and the opportunities for you to get more involved with the City and help things grow. I think it's a pretty good opportunity for Coalville. They appreciate the small companies. There's nothing worse than somebody working their whole life on a farm and their kids are grown up and everything they've worked for they just sell off and everything they ever worked for was gone just for money. I don't think it's all about money. I think it's people wanting to do something good and something to help the community grow. And the housing market and with what Jodie hit on for property rights. If you have your own property, I would hate for somebody to come and tell me, if I wanted to do something with my property, tell me I couldn't. Whether it's been in the family for years or you just purchased it or anything, if it's yours and you worked for it and you worked for the money you bought it with, you should be able to do what you want to do with it. I agree it's getting a little out of hand with everybody. It seems like its tearing the community apart versus bringing them together and supporting each other. I don't have much else to say, but appreciate your time. Thanks.

Kelly Ovard – 199 E Bench Way

Kelly Ovard stated I'm lifelong resident pretty much in Summit County in Henefer and Coalville. I do have a lot of interest in this and have had from the beginning and as the Hirzel's said in their letter, just because we're not here, doesn't mean we're not interested. We're not elected and we won't be to every single meeting. I agree with a lot of what's been said. I believe in property rights to a point where it may affect a community in a drastic way. I wouldn't want to see an airport built right beside I-80 or I-15 or I-84, right beside the freeway, without some serious input before it could happen. I don't think there's been much consternation in this project other than the water issues. If this has been a Round Valley type golf course with \$300,000-\$400,000 homes, it could have been

from 100 to 1000 and I wouldn't have cared. But another Promontory, Victory Ranch, another Tuehay, I've worked with those people that live over there, work over there some of them (inaudible). What happened when COVID-19 started? All the people from New York and LA flew into Park City and brought their disease with them. They wanted to get away from it. We don't have the opportunity to do that. I don't have the opportunity to pack up and go to our \$50,000 house out in Pinedale Wyoming to get away from COVID in Park City. Concerns about the water have been valid according to what Mr. McFarland said. We're already using about 63% of our water or 64. It's like with 300 out of the river we have about 561-acre feet of water for the City. The average golf course in the State of Utah consumes 300 gallons, 380 (inaudible) a year. Park City is a little bit more, Park City Golf Course, let me clarify that, there's a report from 2012 that shows their usage, and I have some copies if you want to look through those that I went through and looked at, is a little more conservative and even using their numbers it would take 241 gallons, acre feet of water to water an 18 hole golf course with their water conditions which are severely restricted in Park City. The purpose of the meeting tonight was not to approve or deny the project. The project's already been approved. It's the 303 rental units. That's all that's been discussed here tonight. The 125 homes, the golf course it's all been done. If we have the water or if we don't have the water, it doesn't matter. So, the bottom line is 303 rental units. Now, I would take issue with what was shown up there, that the golf course and all those homes are considered open space. I can understand the fairway in the golf course, but if you're taking that whole thing and calling it open space, with all those buildings on it, you're wrong. I'm not saying you are. Mayor Trevor Johnson stated they're not. Kelly Ovard stated that was my question. Mayor Johnson stated any space that has a structure or can have a structure is not counted. Kelly Ovard stated all right. I do want to apologize if I've sounded off on any one particular person of the Development. Mr. Boyden and I have had a conversation or two on Facebook and I do appreciate them, this family, and the things that they've done. Not just here, but down in Salt Lake. They're a good family, the Boyden family. I've tried to make no comments regarding anybody in this discussion toward the citizens. I know that has happened and taken place. One concern that I do have, or two concerns that I do have are one, the ordinances. The ordinances need to be updated quickly. We keep talking, well let's get through this Wohali. We'll, Wohali is going to go on for 15-20 years until it's done. We need the ordinances updated now. We cannot support two or three golf courses in our City like Park City. We just don't have it. It's just not there. So, that would be the first thing, the ordinances. And it's clear to see in the ordinances where things have changed over the last few years, it just catered to Wohali (inaudible). The other thing is, when this is done, when this whole project is over, we'd ask anybody that's on the Council, any Staff, the Mayor, not have any ties to Wohali after they leave (inaudible) and after they are done. That would be something that we would ask for just like with the Congress. The Congressman four or five years after they leave, they are not going to be an employee of Wohali. I think that is important to put out there and address that nobody on the Staff has any involvement of property from this Development either while or after they leave. That's all I've got. Thank you.

Chris Horne – 170 S 50 E

Chris Horne stated I agree with Jodie and Adrienne and I can vouch as well, and agree with everything that they said. In the past few months as I've been thinking about this whole thing, I tried to look at some of the cons and some of the reasons why people have

stood against it instead of for it and one of the things I think it comes down to is the, some of the cons people might have against Wohali, especially at this point in the development are, in my opinion, are just opinions. And the pros have a lot of benefits to bring to our community and are massive and we've already talked about the new ordinances and everything that they're going through, well everything lines up. Water, it lines up with water. We have same question about the water 150 times in the last two meetings, and we've had the same discussion about sewage and we're saying everything is checked off and at this point, it's really the rental units. And it states in the Coalville City Code they have support structures and the benefit of rental units will bring tax point for the community and it is big. And somebody last time stood up and said you think these financial things are going to benefit a farm boy and this community and they're not; well, they are. You know \$1.8 million to the school district is a lot of money. Tax money they can have coming in for the additional rental tax for rental units, it's a lot of money and that's stuff that as Ashley Lewis mentioned and Drew and people that younger that are actually going to have children growing up here, that stuff is extremely important to us, because we want to have parks for our kids, we want to have opportunities for them to grow. And Coalville, without something like this, is just not getting there. And if you look at the history, financially, of this City over the past 30 years, the growth has been extremely static. And there's two other developments that have gone in here and unfortunately, my parents bought a house in Black Willow so I'm going to have to live next to them for a lot longer, but my parents did not have to go through, or at least the development, they didn't have to go through all of this. And is that because they didn't put in a premier golf course for rich people? It seems that way to me looking at it. It seems to me that all the hoops that people are trying to jump through, that cause problems, is because they don't like the fact that there is some nice Development coming in. Well, the fact is they own that land and they are following the laws. And I would expect if I was going to do something with my own private property, that I would be treated the exact same way as they are treating this Developer here. And as I mentioned earlier, I'm embarrassed by a lot of the comments I've seen from this community that go against people that are for it. You know, some of the comments I've heard from people about people that were on the Council previously that voted for it or people that were outspoken about it, it's not right. And at this point, in a single moment to say, "Okay, it's 303 nightly rentals. Is that okay for this development to go through?" And when I look at the legal standpoint, I think yes, absolutely. It says in the Code. And if you want to fight that, they can take us to Court and win in Court because the State of Utah pushes towards property owner rights. And then Coalville City can spend that much more money losing that type of an argument. And so, just, I hope that the City Council and the people that are involved in this can listen and understand that there are a lot of voices here that yes, we understand that it's a big development going in. And I, living here, I wish Coalville could be as rural as Star Valley where I was at last week, but you're getting big too. But the fact is that, it's not. I would hope that we can be the best leaders we can be and help to work to get this going as soon as possible so that we can also reap the benefits that are coming from this and that we can also, just be good neighbors and do what we are supposed to do by listening to the ordinances and by following these laws that we've set forth. And at that point, there's no opinion. It's just what we have. Thank you.

Jaron Anson stated Council Members, I appreciate the time that you put into what you're doing. I'm the husband of Adrienne Anson. We can go through a little time and thought and the effort we put into our community, and it's our community whether we've lived here our whole life or we've lived here for 10 years. It's ours. It's mine. It's everybody's. And I heard, when this whole thing came out, there was the talk of the project, what it was capable of and I heard this quote over and over and over again, "Nobody wants it. I don't think anybody wants it. Nobody wants it." That's not true. That is a gross exaggeration and that is speaking for everybody based off of an opinion. Does everybody want it? No. Do the majority of people want it? I don't know. But we can't look at it from our perspective whether we're lifelong citizens of this community or here for a little bit. Nobody wants it. There are obviously people that want it, and I am included in that. I want it. And I'm going to tell you why. First off, I'm a Capitalist. I don't judge people by the color of their skin, by their height, people judge by the height when they are really tall and I'm jealous. Right, Bill? I'm a Capitalist so, I'm interested in money. I'm interested in supporting my family. So, I don't care who's richer than me, but can they benefit me? Can I benefit them? And as Americans, we are Capitalists. My wife was called a Communist when she voted for the project, the first application. She was called a Communist. To me, a Communist is someone that runs everybody else's business and runs everybody else's property. Your property is my property. Your business is my business. That's what Communism is. But to me, an individual that comes and spends millions and millions of dollars on a home or thousands and thousands of dollars in the community is a great thing, because I benefit from that as a Capitalist. I'm interested in their investment. We've lived here for several years now and I've heard comments about people from Park City and we don't want to be like that. Well, I'll tell you why Park City is growing and why Coalville is not. It's because they're willing to adapt. They are Capitalists. They see money and they evolve and adapt around that. Right? It's not about giving up their values. It is they see opportunity. They see growth and they jump on that opportunity rather than shutting it out and closing it. So, as Council Members, we see that you look the opportunity in this project. Being able to, how can we capitalize, how can we advance our economic prosperity and benefit from it rather than shut it down. And I think also, another thing too, as I have been listening to people's comments in years past and talking to people, there's a perspective of, how we look at the project, our perspective, of what we think of the Developers. If we see the Boyden's and we see and we compare them to other builders Promontory, Red Cliff's, if we say that they're just a bunch of faceless investors and if we look at it through that perspective, of course every other thing that we talk about is because well, we can't trust those people because we don't know who they are. We can't trust those people because they have a, they're just willing to, they're going to take away everything from Coalville. Well, I've had conversations with Jim Boyden for a while now and I can tell you he's not faceless. Those people that are investing in this project are here and they're here tonight. And they're willing to answer any question that anybody has, but when I've had conversations with people in the past, it is well we just can't trust them. We just can't trust the Developers. We can't trust Wohali. Well, from what I've seen, they've done a lot of studies, they've put a lot of money into it. So, we can trust that. Now, another thing too, is that these, a lot of people, it's easy to sit back and in the back of a meeting like this and we, it's easy to throw out a thousand different reasons of why not to have it. Well, what about this? What about that? What about this? And there's always going to be more and more questions. And so, as Council Members, I think it's your guys'

responsibility to, as it's been said in the past, just recently, that look at the numbers from the studies that have already been done. Don't sit there and come up with what about this, what about this, what about that. That's done. Looking at some of the key issues and if those questions are answered, then go with it. Just roll with it. Other than that, I think that's it. I appreciate your guys' service. Thank you.

David Vernon – 800 N 50 E

David Vernon stated I would just like to say Jodie hit the nail on the head. And I do thank you as well. I also agree with all of them after you've been on City Council you kind of enjoy not going to meetings for a while. But I did start coming to some of these a while back. There's been a lot of the different explanations, Water Engineers going on and on and on. I don't know how many hours of explanations and going over every little detail. Anyway, at some point, you just have to definitely think your questions have been answered, look at the facts, and move on. It's been dragged out a couple years already and you know, like it or not, change is going to come. Believe it or not, Coalville is not the same town right now as it was 20, 30, 40, 50 years ago. It's not going to be the same town in another 30, 40 years as it is right now. Looking up and down Main Street, I can count maybe four buildings that are still the same use now as they were when I was a little kid. Things change. Growth happens. And I think the Developers have acted in good faith trying to get this project through and I'm sure at this point they are probably getting a little bit tired of this process (inaudible). It's been a long, long go. Look up and down Main Street. I mean on that side of the street the only thing still the same as it was when I was a little kid is the Summit Merc. and Bunny's Bar. You look on this side of the street you have Blonquist Motel on one end and the Polar King on the other. Everything in between has changed. It's not going to be the same town in 20, 30 years as it is now. It's not the same town now that it was 30, 40 years ago. That's not necessarily a good thing or bad, that's just the way it is. Growth happens and as long as the Developer is meeting the requirements of the Code, and it looks to me like they are, I don't think you have any choice but to approve the development. That's about all I've got to say.

Sheryl Rees – Adjoining property owner

Sheryl Rees stated okay so, I have been to all the meetings and I just decided it was about time for me to tell you how I feel. I'm scared to death, but today's my birthday. Mayor Trever Johnson wished her a happy birthday. Sheryl Rees stated it is so great to see so many people saying that they're tired of being intimidated and bullied and afraid to say what's on their mind. I've pretty well not been too intimidated, although I haven't had the guts to get up here and talk. So here I am. I think people are right in saying that the Developer, they really, they are different than the standard of coming here, make some money and roll out. They do have an emotional investment in what's going on here. So, I think we're really lucky. I think we're really lucky that they're going to try and do something that's good for them, but good for Coalville too. And a lot of all the things going on about, we don't want them, well, the fact is that they're Coalville residents now. They're land owners and they have rights. And Wohali are citizens of Coalville and they should be represented equally. We have an aggressive group that thinks their vote should be heard louder than others because they represent the majority and I don't believe that's the case at all. They say because they got over 300 signatures that they are the majority, even

though based on comments I have heard, many of those signatures were the result of being coerced, bullied or lied to, to get them to sign. I can't tell you how many conversations with people that have come up to me and say, "They just told me this and so I signed." Well, that's somewhat their fault, but the fact is, that it's not the majority. Many even admitted not even reading or understanding and just kind of relied on what they were told. So that's kind of sad, but we're moving on and I think the Developer is trying to do something that's going to make it still a good thing for everyone. I don't think that this aggressive group should be dismissed. I mean they have a right to say what they want to say. But I guess that I just ask that my voice for those voices that are afraid to speak publicly, or maybe even those that don't want or dare be involved for whatever reason, are considered just as important as the aggressive group. You know, our voices might be a little quieter, but we're all important just like the Wohali citizens are. It was mentioned in the last meeting that it was a slap in the face to the citizens that Wohali chose to pull the first application and chose not to submit a referendable application. And I say what about the slap in the face that in the eleventh hour, a group that caused the Planning Commission who worked so hard for two years, the City Council, a slap in the face to them who have the task of making a decision on the facts that ultimately would be for the greater good of all citizens which is what they have to consider. They have to consider that. It isn't about their feelings. But they have to think about the greater good of the entire City. And sometimes that's a little thankless. And what about the slap in the face to the Developers who spend countless hours and money to give Coalville City and its residents something everyone can benefit from. And what about the blatant disregard for their property rights, in my opinion. I had a part prepared about the water, but pretty well saying that Shane's pretty well told us Coalville is providing the water, Coalville can provide the water and we need to move on from the water, just saying. The Citizens group has always said that they were doing it for the people and they wanted the people to vote which ended up not happening, which I actually am sad about. And even when the Developers tried to negotiate with them or ask them what they wanted; it was let the citizens vote. But now we have a letter from one of their primary people to the City Council and one of the paragraphs says, "what the citizens want or don't want, like or don't like, has no relevance to your decision." So, I think we need to worry about this just a little bit and what their motivation really is. The whole thing with the water, the citizens group basically shot themselves in the foot because we could have had the water provided for us. So now we just need to move on and bite the bullet and provide the citizens of Wohali the water. It's their right. The biggest issue is the rentals and it just seems to me that you have done your due diligence. And for me, I guess the way to look at it, there's still so much less in total units than originally requested which is what everybody said they wanted. They said it's too big. So, whether it's a rental unit or a home, the fact is, we have less units. You know, that's what everybody wanted. And it's been established the City could have handled the larger development, so this all should be good. I just don't see a down side in allowing them the rental units. I just don't. I can't think of one reason why not. And I know it can't be the only driving reason and I know that you're not responsible to make the development profitable or successful, but if they say that this is what they need, and you can do it, why not do it? There's not a reason not to, I mean you can say well they asked for it, but we can't do that. Okay, well why? You must have a really good reason in my opinion. I think we all want it to be successful and there needs to be a compelling reason not to do it and I just don't see one. Tom and I have chosen, everyone says how can you be for this, and we've just chosen to respect their property rights. And

try and be good neighbors, and respect the vision of their property. It's not about other people's vision, it's about their vision. So, that's how we have approached it. And in the process, we've been able to learn a lot. I have read those documents many times. I've looked at the plans. I've looked on the internet. And, I know what's going on, and I think so many times a lot of things that went on were from an uneducated people. They were not educated about the Development. So, and the other thing is this is preliminary. I just don't think you need all the answers right now. Right? I mean, isn't that what a Preliminary is? To be able to ask a lot of questions and then have time to get more details. This is Preliminary and even though you say you're not going to make a determination tonight, or vote tonight, there just isn't any reason that I can see that as long as they can check off all the boxes, that I believe you have, there are like 15 of them, but as long as you can check those boxes off, let's move on. Get the things that you feel are important resolved, but you have to start with the Preliminary. So, please move on with the Preliminary and let's get the details that we need. So, I have a quote too, "Remember there's no growth in the comfort zone, and no comfort in the growth zone, get out and grow" which is not only applicable to me, but to Coalville. Thank you.

Mark Marsh – 197 E 100 N

Mark Marsh stated Council members and Mayor, thank you for this opportunity to speak. I appreciate the time that you are affording us. I am here to learn tonight more than anything about what we're doing. Shane, I applaud you for futuristic thought and considerations on probably the greatest resource we have in our community, water, and any community out here in the West Desert in the United States. I'm also here to make sure that personal property rights are protected, that people have an opportunity to do with their property as they choose, as long as they stay within the guidelines of what we have as a community. We want to all be good neighbors, and we want to support each other. And we also would like to make this a place and keep this a place as it has been, that people want to live, that they want to raise their families, and people want to be a part of. This project has been scaled back, it's been scaled back to meet Coalville City Code and building standards. They've done what you've asked to this point, and have done so with good thought. I, along with many of the others, have to say that development is here to stay. Development is not going to go away. Every parcel in this community that has been sold in the last two years has gone to development. Prices for agricultural people to purchase that property and continue to farm just isn't there anymore compared to the money that will be paid by someone who would like to buy and develop or for someone who owns it and would like to develop it for the betterment of their family. Having been the President of the Board of Education here at North Summit for a number of years, I took an opportunity to drive our community, not necessarily just Coalville City itself, but the North Summit School District to see where grow is happening. To see how much was happening and when it took place so we knew whether we would be building a school in the near future or possibly farther out in the distance. In the last four to five years, we have built pert near as many homes as they are asking for, for Wohali and not one person has said a word. Through our community we have built many homes, many of those homes house families with young children. Wohali and the way that it's set up and the way that it's being marketed, probably won't supply much to that. Victory Ranch pays \$2 million a year in taxes to the South Summit School District. That is for the opportunity to send two children to school in South Summit School District. I think that's a pretty good

return on the dollar and something that someone had a vision of doing. They bought the property and had that property right to do so. We should be concerned with economic development in our community. Many of the people in our community have stressed the fact that we don't have any business and there's nothing to do in town. I remember when we had a show house, three or four grocery stores, two or three gas stations, a couple, two or three car dealerships all right here in Coalville, Utah. But at this rate, right now we're struggling to develop new businesses to come to town and stay in town and stay in business with the way we operate. Businesses generate sales dollars, which benefit our schools and our way that Coalville City does business. Wohali will lose their green belt status on the property, which means the property taxes are going to go up extremely high compared to what they've been used to paying, but those tax dollars will be benefiting you and I as citizens. You and I having the opportunity to flourish and make Coalville a more economically stable community, desirous for businesses that come in to want to be a part of what we're doing, and help our citizens. Last of all, I want to remind you that we are the County seat of Summit County. We should be able to handle growth as it's coming in, keep our identity, but be someone who leads out and demonstrates to the rest of the County why we are the County seat. Because we are the smallest community right now compared to the other three. I would rather it be a community that leads out as leaders, demonstrating what we can do and how it can be done in the correct manner, but at the same time not be a small town left back in history. I would also encourage you as City Council and Mayor to work with Wohali to use their property as they desire with their property right in accordance with our Codes, and our vision for our community to benefit we as Coalville citizens and not so much for whether we want someone to move into town or not. I appreciate you, thank you for your time, and service that you have given and thank you.

Camellia Robbins – 46 W 150 S

Camellia Robbins stated I too believe in property rights, but property rights have to be applied to the zone the property is located in and that's what I want to talk about tonight. In Application number two, Wohali didn't amend any resort uses from their first Application. They are claiming that those resort uses are support facilities that are customarily associated with a golf course. This is subjective and disputed in this case. In addition to being subjective, the impacts from the nightly rentals, kid's cabins, the amphitheater, the spa, and all of the rest are not in line with the purpose of the Ag zone. And that is where this project is going to be located. According to Coalville City Code, the Ag zones purpose is, "To provide areas where the growing of crops and the raising of livestock can be encouraged and supported within the City limits. The Ag zone is intended to protect agricultural uses, natural resources, and environmentally sensitive lands from the encroachment of urban development." In Coalville Code 10-9-020, it states, "For many uses, uses permitted in the Ag zone in addition to agricultural uses should be incidental there too and should not change the basic character of the zone." A golf course is listed as a permitted use in the zone, but nightly rentals, especially 303 of them, a spa, a restaurant, and a kid's cabin, a splash pad, and all of the other proposed uses would certainly change the basic character of that zone and would harm the agricultural uses, the natural resources, and the environmentally sensitive lands. This is an encroachment of urban development and shouldn't be allowed according to the Coalville City Code. If you have taken the time to look at the new list of comparables, you will note that the support

facilities you are now being asked to approve are associated with luxury golf courses and to find the comparables the Developer had to look outside the State and outside of the Country. Golf courses around the Wasatch Front and the Wasatch Back don't have the types and numbers of structures that the Developer desires so they provided with a new list. I ask you does this look like a facility that fits in Coalville's Ag zone, I have a picture (Exhibit E) to give to you if you want to look closer. How about this one? (Exhibit F). These are two of the comparables, the others are similar. A typical golf course or luxury golf course; which one are we finding the support facilities for? And that's up to you guys to decide and to approve. And that's also why the CFRG group has taken on the Ombudsman to help you with an advisory opinion because even though there have been experts that have weighed in legally there are more than one opinion and we want to make sure that all sides of the Code are looked at and evaluated so that you guys have the information that you need make the choice that's right according to the City Code. And if any of you want to look at those pictures of the comparables, I do have a copy for you. Thank you.

Polly McLean -- CRFG Attorney

Polly McLean stated good evening. I'm here for Coalville For Responsible Growth. As you know, the group is a number of citizens that collected over 300 signatures against the first Application. But we're not talking about the first Application. We're talking about the Application in front of you. And as it's been pointed out, the property rights of the Developer are for 83 units, right? That's 1/20 which is your Ag zone. And then if they want, they can apply for a density bonus if they put deed restrictions on open space which gives them another 50% which adds up to 124.8 units, just going to round it up to 125. And I would ask you to, well first of all I want to say thank you for deciding not to take a vote this evening. I think that's very important. And I want to just give you some history too in terms of what's going on with the Ombudsman. We've asked for this Ombudsman opinion of all the, and we thank all of the parties for participating in that, the Developers participated in that, we're participating in that, the City has the option to participate in that. And while David Church is very respected, he didn't take everybody's point of view into consideration. He spoke with the Developer and he spoke with the City. He never spoke with the members of our group when he made his decision, when he wrote his opinion and it appeared that it was something that was done very quickly, so we didn't even have the opportunity to talk to him and give him our legal perspective. But the Ombudsman's process is going to be so that everybody can make a contribution. And so, I think it's very important for you to wait and even wait in terms of giving direction to Staff to get his opinion. Because what we're talking about, what we're asking of him, is to give his opinion on these nightly rental units and these support uses. So, we don't contest. If the Developer was just coming in and using their property rights of 125 units and build a golf course, have at it. We have no issue with that. The issue is these other uses, which is not listed in the Code and is bootstrapping. Now I'm not going to go into all of those arguments, because I'd rather wait for us to get the Ombudsman opinion so that we can at that point, we'll know what he says and we can go from there and use his guidance in order to determine numbers or whether it's allowed. So, the other thing that I find very striking is that, and I recall back in December when the first application was being voted on and I came in right about then, is how much work still needed to be done to the Development Agreement. These projects, the devil is in the details. You need to know

about the water plan. Well what do you have right now? You have phase one. Where's the rest of the phases at? Your Code requires in 8-2-040-E, a phasing plan, "all Master Planned Development shall include a phasing plan which specifies the time of public improvements and residential construction. This plan must address or answer the following. The number of units or parcels to be developed in each phase and the approximate timing of each phase." We don't know, you know I heard earlier, "Oh they are only going to build ten a year." Are they building ten a year or are they building 102 units at once? How is this coming into effect? When are these nightly rental units going to be built? There's so many questions and until you have all of those details, which should be being worked on, you shouldn't move forward with the vote or with any kind of decision. Mayor Trevor Johnson stated you understand this is the Preliminary? Polly McLean stated but read your Code. Mayor Trevor Johnson stated what I'm saying is with a Preliminary, a lot of those details that comes out of the Preliminary are hashed out during the Planning Commission phase and so yeah this is just, a lot of it actually can't be figured out until there's approval by the City to go through the Preliminary process and get Preliminary approval. And I think that's spelled out in the Development Agreement when those things come into play. So certainly, before the Final approval all these details will be addressed. And it is being worked on. We've got a draft being reviewed by Staff right now of the Development Agreement. A draft which is what we are working on right now. Polly McLean stated and I appreciate that. I think the public has the right, the citizens, have a right to see that draft Development Agreement. And although it's a Preliminary plan, you still have requirements. Because what you're going to approve when you approve this project, you're approving the whole project. You're not just approving 102 units, which is the first round. You're approving 125 units plus whatever else the accessory uses are. Mayor Trevor Johnson stated and that was Cody's point. He said the approval on this part of the process basically hinges around the 303 nightly rentals, that number. We're not approving phasing. We're not approving all the things you're talking about. We're approving, everything else is just checked off. The gray area question mark, if you want to call it that, is the 303 nightly rentals, that number which is what we're waiting on the Ombudsman for as you pointed out. All the other stuff comes in the next process. Polly McLean stated well, I respectfully disagree because I think your Code says that a Master Planned Development shall include a phasing plan. So, that's where I'm getting that from. It's from your Code. I'm not make, that's where I'm arguing from. It's from your Code. But I appreciate that and I appreciate all the work that's going in. This has been a very strange year this far, as we all know, and this came to a halt number of months. So, it feels a little strange. So, it feels like, oh this has been going on for a long time, but we also had a big pause in there. So, I think it behooves the Council to have as many facts as possible up front so that whatever you are approving, you know what that means. And so, you've got the open space dedication, right? You want to get the details on that. There's no reason why that can't be at least discussed at this point. And the details about the property tax. Are these nightly rentals going to produce property tax? How are they going to be evaluated if they're run by the Membership? Are you going to get sales tax on Memberships? All those types of things are very important and I think are worth working out before the approval. And the other thing is, sorry I was jotting notes as we went on, the Planning Commission heard this three times and the first two times they had a lot, a lot of questions they wanted answered. And at the second meeting, they said we don't want to have the decision next month. And yet, Staff brought it. The Developer wanted a decision, it went forward. And I would just ask that you have the opportunity to at least

read the minutes from those Planning Commission meetings, or listen to them. Listen to the audio. But as I see it, the only ones that have been produced or have been written are from the meeting in February. And I know everybody has been busy, but if you want to know what your Planning Commission said and what they discussed and what they were deciding and struggling with, I think it's important for you to review those minutes prior to making a decision. So, you can, it wasn't just a one, you know, they didn't just decide in five minutes, oh we're going to forward a positive recommendation, it was, they went through a long process and what they said in those first two meetings I thought was very powerful, and very interesting, and helpful for your decision making process. And some of the things they talked about was one of the Planning Commissioners said, "Are we approving, are these accessory uses or are these, the facilities to support the facilities, are they golf course, or do we have to do it for a high-end luxury golf course or is it just a golf course?" And I think that's a very real question. Now, we talked about water a lot tonight and I thought it was very interesting to hear it, and very informative. But we still don't have a water plan. We have this wet water for 102 units. But what about for the rest of the project and what about for the nightly rentals? We're talking about, they talk about 102 units that they have water for or can provide water for. Well, they're talking about building 303 units plus another 23 units, so, how's that going to be provided for? Is it all going to be an "in lieu of" fee? Where is that agreement? So, in addition, your Code requires there to be this agreement. So, let's see the agreement now, let's see it up front so. You know, this isn't supposed to be a, the public can also give you a lot of information. The people that are here speaking to you who have concerns, they've lived here their whole lives, they know the ins and outs as well as you do. And it's helpful. They have good insights that can make this a better project, and that's what we should all want for it. And even in their, they don't even pretend to provide the information. They just say we'll wait for the Final plat. So, in addition we don't even know what the proposed conditions of approval are. In David Church's recommendation, opinion, he talks about how certain conditions of approval such as requiring that the Memberships be very specific that nightly rentals will only be used for the Membership in his last paragraph. So, you should be seeing those conditions of approval of the project. And the other thing is, is that you're missing, these are minor, but not so minor, is under your Code, clustered subdivisions, which this is when you look at that map, is required as a conditional use under this zone. Under 10-9-30 it says it's a conditional use so we haven't seen any conditional use applications for this project. And then also even the filing fee, they are asking for 125 units, but they only pay for 102 units from what I recall. So, I think there's still a lot of questions and I appreciate that we're going to continue this. You have until August 22, 2020 and you know, all the parties are working diligently to get this Ombudsman opinion and I think once we have that, we can really bring the conversation and we can move forward with the best project possible. Thank you.

Lynn Wood – 97 N Main

Lynn Wood stated I'll be really brief. We've already heard a lot tonight. I just want to recognize the really great effort as far as this Ombudsman thing. The first application was a legislative decision and our opinions mattered and what we liked and didn't like mattered in that case, but in this case, it doesn't. I think I'm the prominent person that was mentioned, and what we like and don't like doesn't matter. It really is according to the law and it belongs in the hands of experienced Attorneys. There's some very technical legal

issues here and that's been our whole point. And we're trying to get an opinion on some of these that were not covered in David Church's opinion. I just want to recognize the great support we've gotten from the Developer on this. It deserves to be recognized and appreciated. They have participated in this process and been very open to it. Wade Budge was very quick to put back his opinion, we appreciate that so much. I think this is coming to a place where we can all come together and come to a place where we can get a project we can all feel really good about, that's the intent of what we're asking for. There's an awful lot to like about this second Application. If you look at the financials and the revenue it will bring, it's actually greater on the second one if the nightly rentals get approved. So, an awful lot to like about it, but of course there's some detriments too and that's what we need to mitigate. But I wanted to recognize that effort by the Developer in participating in this process. We appreciate it very much, and we really hope to see a coming together of everyone in supporting the project as a successful one. Mayor Trevor Johnson stated I just had a quick question and if you don't want to answer it that's fine. And it goes back to the crux of this particular vote on the 303 nightly rentals. What is the difference, detriment, from going say, let's arbitrarily say 175 is okay, what is the detriment to going from that number to 303? Why is that number, why is 100 or 150 nightly rentals, and I mean that sincerely, why is that necessarily such an issue or a strong point with the group? Lynn Wood stated I think the issue is just does it meet our Code. I think the main issue is, does it meet our Code? Obviously, there's an impact on our infrastructure, but does it really meet our Code? I think as I brought up, since you asked, in David Church's opinion, he talks about these nightly rentals must be inextricably tied to the primary use, right? Mayor Trevor Johnson stated and we agree with that too. Lynn Wood stated and so, how do we do that? And also Wade Budge, I'll quote him exactly so I don't get it wrong, he also wrote in his opinion back to the Ombudsman, talks about the only limitation is that which the market will bear which is really up to them to decide, isn't it? I mean we can't get involved in the market decisions. But he says, then says what the market can bear and can be tied to supporting creative uses. So, in phase one we have the golf course, I sent you an email with my numbers basically saying you have 240 people on a golf course during the day based on tee times and daylight hours. How many nightly rentals do you need to support that particular use? Mayor Trevor Johnson stated that was a great point, a great point. Lynn Wood stated can we tie them directly, can we phase them over time, because just because you approve all of these other uses that support the golf course, they are under no obligation to build them. But if you entitle them to 303, they could build them and that use could be bigger than the primary use. Mayor Trevor Johnson stated okay, so that's a great point. And I guess it goes back to another question is that was from your prior point, that is in the Code. That formula for figuring out daylight hours and all that. So, the other question, just a question, I'm not defending anything, my question is if that's all you can get on the course that 120 people or whatever and they've got 100, 200 or whatever nightly rentals empty, is that our responsibility? So, we're going to worry about and legislate that number? I mean, if they can't go, I don't think that's our responsibility, nor is it our responsibility to say "Okay, well, you need 1,000 Memberships to need 3 000 houses." That's a little extreme, I understand, but to your point of the Code doesn't support it, David Church's opinion is that the Code align more closely with however many Memberships they need, that's how many rentals they should have. Lynn Wood stated so, did he add to his opinion then? Mayor Trevor Johnson stated that was a different conversation with him, that wasn't written. So, that was about the same time as the conversation of getting the Ombudsman involved. But, when you're talking Code, it's one

thing to pull up tee times and frequencies to apply it. There's nowhere in the Code that suggests that. And there is a little bit of language in the Code with the word customary, customarily, to have 300 members, you need 300 nightly rentals. Lynn Wood stated well, let me tell you, I will gladly defer to the legal experts. I really will. That was just my idea. It's logical to me. Because, I think we have to demonstrate the fact that we don't want the primary use to be 300 people to become the sole primary use for this project, a hotel. And it can't possibly support a golf course and then they decide not to build anything else. It has to be phased. I'm not against 303 nightly rentals. I would like to see it phased properly so that the we are reasonably sure, I know the golf course is there, we need to be reasonably sure. Anyway, I've talk too much.

Bronc Porter – 43 E 630 S

Bronc Porter stated my wife grew up here. There are generations of her family that have been here, they all grew up here. I grew up in Morgan, but I see the growth in Morgan every time I go down there, they're building a bigger school. I've got three kids; my wife went to a smaller school. I grew up in a small town and I think smaller schools are good. Morgan, you know, the subdivisions down there have people moving in. A lot of them are kids that have grown up there, have grown up and now built a house, but a lot of them are just move ins. But, the one thing I do know about Morgan is the small businesses. They never, on Commercial Street, none of them small businesses would make it when I was growing up. So, they moved in for a little bit and then they would be closed down. When I first started coming to Coalville, Susie's, around the corner was there and I don't know how many businesses have been there since. My wife was telling me, I said let's just stop on the corner at the BBQ place there, I think it was Collie's BBQ, and she said, it's been closed for a while. What I'm getting at is, it seems like business development up here will be, like Jodie was saying, you want people brought up. They're just going to, the nightly rentals don't seem like a bad idea to me at all. Growth is going to come no matter what at some point. You'll have people come in for a night, they swing down and grab a burger on their way out of town or Subway whichever. I think it makes those small businesses, maybe they'll make it, like the Polar King. The small business on the corner, I think it would just help them out. Because like I say, in Morgan, the school's the main thing and big concern for me, and growth is coming, but I don't think that will affect the school at all. That's about all I got.

Candace Horne – 170 S 50 E

Candace Horne stated I feel like we're kind of getting away from the point of what this meeting is, is that we're trying to approve the 303 nightly rentals. And I missed the first part of the meeting and I know you talked about the laws, but I would like to say it again, the law states as follows: "If the land use regulation does not plainly restrict the land use application, the Land Use Authority shall interpret and apply the land use regulations to favor the land use application. Meaning that the ruling should be in favor of the land application and what they see fit for the use of their facilities." In this case, they're requesting 303 nightly rentals. At the last meeting we had some people get up and they're concerned about the monthly costs of Coalville's bills and the reason I bring this up is, if we have to defend a lawsuit, who's going to have to pay for that bill? We are as Coalville citizens. So, just to kind of back up that point, I asked around for a couple of Defense

Attorneys and called them and asked them for an estimate of how much they thought it would cost to defend something like this and they said at least, at least \$100,000. And I think that alone would have some exclamation points for Coalville citizens, I think. In conclusion, it's hard to swallow the fact that the City and School District is losing out on so much money that we could have received if we would have just accepted and/or negotiated the first application to the satisfaction of all parties. I feel that it is your duty as a Council to really look at what is best for Coalville City and our community members. Adding the maximum number of nightly rentals will ensure that we will receive money as a community and as a School District from this project instead of forking it out in a lawsuit.

Louise Willoughby – 151 S 50 W

Louise Willoughby stated first of all, I'd like to talk about the so called "group". The so called "group" is really individuals as well, but we are also a group of people that have taken upon ourselves to try to help with the definition of responsible growth. We believe that Codes should be followed and have worked hard to research miles of Code and provide information to citizens and the Council. We have not bullied anyone. We have tried to give Coalville citizens a voice. We did not stop the referendum, the Developer did. Everything we did was our legal right as citizens. Not only did the Developer stop application one, they pulled all the benefits. We did not, and I'm getting a little tired of hearing that it's our fault that they're gone. They can still give you all the benefits in the world if they wanted to right now, and they have not thrown in any extra benefits right now. I want to remind you that application two is new. It has only been in since January and there have been numerous meetings that were not held or canceled. They act like we've put them on hold. They pulled the first application. This is a new application and I think the citizens deserve to know that everything in this application has been researched and that everything will be decided on a good, solid, foundational Code and principles. As far as property rights, you're giving them property rights, as it has been pointed out, with 125 homes and a golf course. They're getting that. This is not about property rights tonight. This is about Code and it's about interpreting Code. And as you can see, there's numerous ways to interpret the Code. We still have elements that have not been addressed. There's still missing information that has not been shared. It would seem to me like that earlier question of how many water rights does the City have, that should have been a foundational piece of information that this application was built upon. Because water rights are something that you have all the time. I know from experience that leased water can or cannot still be there. There are numerous ways that people and towns have lost their leased water. So, that is not something you can plan on. I do have a question new tonight, why was last week our Council was told in no uncertain terms that Coalville City would and must provide all culinary and secondary water to the Development? But tonight, Coalville City will only provide culinary. And then the Developer stands up and states that they do believe, that Coalville City should provide all the water. But they will find some other way to provide the secondary water. Does that not make you a little scared? The previous person talked about lawsuits. There's more than one way to get into a lawsuit. You can get into a lawsuit if you promise something that you can't deliver. So, I think we need to be careful that way too. And, Coalville has had enough of the citizens paying for lawsuits. We really need to be careful. What happens when they can't secure water for everything in the MPD that they are asking you to approve? What happens if they can't do that? Then what? In the previous meetings, it says that they think Coalville

should provide the water and Coalville said that they think they should provide the water, but we'll go ahead and have them find their own secondary water. In this is a new application, it requires the City Council to find evidence for each finding. Evidence is not what Wohali brings to you. It's not what I believe and it's not what they believe. We as citizens really shouldn't be against each other because we all have the right to stand up here and give our opinion or to research and share with you our concerns without being bullied or ridiculed. I can tell you, our group, go back and look, we haven't been bullying other people. You can look on public media. You can look at the letters we've written. You can look at our Facebook posts, we're not bullying other people. We're getting blamed for other comments that have been made. All we want is a responsible project that when we get done, it's good for the Developer and it's good for us, the citizens, as well. And I want to remind you, this is not any Coalville project. This is not comparable to anything that has been done before. Anything at all. It's not a (inaudible) compared to previously. This is a huge project that should have some details with it. We all know the Devil's in the details and you should ask for those details and not take someone's word for it because it's your responsibility to protect yourself, the future, and for us as well. So, I'm not asking you to approve or deny anything. I'm asking you as the Land Use Authority for this City that it's your job to decide if they are asking for what is allowed and if everything they're asking for can be supported. That's in the MPD. We have many places in there where it asks you to prove that what you're giving them can be supported. Not asking Staff to prove it. Not asking the community to prove it. It's asking you guys to prove it can support it and there are a lot of experts out there. Has anybody brought up the Weber River Water Users? They're experts. They're going to be using their water. Have you brought in those guys to ask to give you any information and to let the community hear that? There are a lot of experts out there that can come in and have answers to your questions. So, there's no pressure to decide tonight or at any time. There are valid issues and concerns that still need to be addressed. Our group has been put down tonight and called uninformed, which wow, the research we've done, I can't believe we are the uninformed ones. And we have been bullied as you as the City Council have been bullied too. So, we invite you to go back and look at our past, I already said that one. Everyone has an opinion and everyone is entitled to share their opinion and that's what we have the right to do. So, please don't be in a hurry to get it all tonight. Ask for a completed Development Agreement. What's wrong with that? What's wrong with knowing exactly what you're asked to sign off on? You don't get a car and say, "I'll take it" before knowing if it has air conditioning and what comes with it. You want to know some details before you purchase something. You're purchasing the future for Coalville and it could be an amazing future or it could undo us. So, please make sure that you really have those details figured out and you have answers to all your questions, and please don't be afraid to ask those questions because I know you have them and I know we all do to. Our Attorney had numerous questions that still haven't been answered and I think should be answered (inaudible). So, thank you again for your time and (inaudible). Thank you.

Wade Budge – Applicant Attorney

Wade Budge stated it's with great trepidation I come up here. I recognize I'm between you and a motion for adjournment so, I'll try to be quick. Thanks everyone for making comments. I feel like a lot of ground has already been covered so I'll try not to beat the dead horses and I'll try not to cover ground too many times that's already been covered.

I'm representing the Developer and at the outset, I just want to identify one item and what I think is really critical. Nothing that we have tried to do here is to skirt any requirement. We have invested a great deal in providing all the details you could imagine. Mr. Langvardt has stood up in front of this group, the Council before and the Planning Commission and provided drawings and responded to answers and provided projections. And all of that has been provided in a very open, up front way. And the reason is, is because we believe there are so many benefits for this project. We think it's the one where we should be finding cheerleaders amongst this group and we believe that in the end, we'll find those cheerleaders. We'll find this is truly a win, win for the City of Coalville. And we also know and believe that the homework that we've done shows this to be a viable project. We'll bring a great project that will provide benefits to this community. We don't make this investment in this piece of land lightly. We've done it after careful review and we know that this City is well suited to take advantage of the fact that there's a piece of land, just beyond the bluff with great views of Coalville, great views of up to Lewis Peak, and great views and topography to take advantage of what we believe will be a world class golf resort. Now, there's been talk tonight about how this is a big project. It's not a rabbit hutch, it's not a home, it's not a single lot subdivision or a two-lot subdivision. And that's true. It is large, but the reason is, it's a big piece of land. It's 1500 acres. And for that reason, the numbers will be larger than it would be if you're on a five-acre parcel land or one-acre parcel land. But what this is not is, this is not urban development. The reason is, we're talking about 1,000 acres in open space. That's called elbow room. That's called plenty of land to set aside to be left for open spaces and I think that fact needs to be recognized and acknowledged. And there's been a lot of talk back and forth about property rights, and we know this Council understands that principle fact. We've been before this Council before where they've all made that perfectly clear that they understand what property right is and they allowed the grading permit to go forward when they had a challenge to that grading permit brought to them, to you as the Appeal Authority. And what we're wanting is to put to that same task is to show that we are compliant to the Code, to show that we are meeting the standards that have been laid out for us. And we're intending to meet that standard. We believe the submissions we provided to you that meets that standard. And when we recoil and when we express frustrations or perhaps a little bit of confusion, maybe that's the better term, is really when we're faced with a couple inconsistencies from our opponents. We're not the people that bring lawsuits. They are. In fact, lawsuits that have been brought against Coalville City were brought by the opponents, not us. To my knowledge it hasn't been dismissed, but perhaps it has been in the last month or two. When it comes to the item of bringing, putting risk or putting challenges on Coalville City, that's the group that did so, not us. We've simply brought forward and said, "What's the standard? What do we have to meet? This is how we can meet it." And that's what we commit to and continue to do. They will come forward and say, well, it may be a permitted use, but is there a way we can play with the words to somehow to try and make it confusing. Well, let me tell you something, there's nothing confusing about a single-family home. There's nothing confusing about a trail. There's nothing confusing about a golf course. And frankly, there was nothing confusing about a support facility operating as a nightly rental when we had 130 of those approved with the prior project. It was only when I, in the interest in being upfront with this Council, wrote a letter and said that for this new toned-down project with fewer units, that 303 units was very important, that the opponents zeroed in on that, as a feature that they wanted to attack. They never attacked nightly rentals before. Think about that. This is a

group that scrutinized every term of the prior approval. Sent out volunteers, knocking doors and what they were talking about was not nightly rentals. They didn't have a care about 130 or (inaudible). What they were mad about was there was going to be a project up on the hill. What we're talking about now is the fact that we've identified that's an important element of our project, their interest isn't in carrying out the intent of the Code. It's to inflict damage. It is to inflict harm and to prevent the property and this project moving forward. So, I think what we do is we just call it for what it is and that is there are some people who are opposed. And that's fine to be opposed, but what I think we need to do is be consistent and fair and, in this case, and as I've seen with this Council act before, they are, you as Council Members are capable of being fair in applying the Code as written. And that's all we're going to come and ask you to do. We're not asking you to do this tonight. We think we'll all benefit from receiving some more input which we are going to soon receive, but when you are asked to make a decision, what we respectfully ask, is that you measure us against the standard that's written in your Code. That Code reflects the concerted judgment of the people elected by these citizens of Coalville City. And that judgment is what we should honor by making sure that we're measuring up to that Code and that this Council is applying that judgment. Now, a lot of comments have been made about what the Code should say and frankly, I invite our opponents or anyone else that has interest to make a submission for what the Code should also say. But in Utah, you can't apply new standards for an application that's already pending. So, those new standards can be imposed on the next project or the next project or the next project, and that's frankly, part of good government. But what we can't do and what Utah law doesn't allow is making up the rules as we go. So, when our opponents suggest that we should pile on new rules and new details and new standards that aren't found in the Code, we should resist that. And the reason is, is because that's not the way that we apply the rules when someone comes in for the rabbit hutch. It's not the way that you apply the rules when someone comes in for a gasoline, approval for a gasoline station. It's not the way we apply the rules when someone may be wanting to build a home on their lot, and we want to be measured by the same standard. We thank you for your time. We really appreciate it. If any questions remain unanswered based on tonight's presentation or the next, we remain willing and able to come and bring answers at any time. And we just also, would like to thank your Staff. We know that we've taken more than a fair share of their attention and effort, but they have put us through our paces and no one is doing us any favors. They've been making sure that we meet every standard of the Code. So, thank you again. I hope you have a good night.

Paula McGee – 281 N Main

Paula McGee stated thank you Mayor and Council. I appreciate all the time and effort you have been putting in here. I don't have a ton to say. I am a citizen who spoke at this meeting before. I don't like being labeled anything other than that, negative energy thing. There are a lot of opinions out here. There's been some great things spoken tonight and I agree with a lot of it. But to paint a group in a certain light, I just don't think we need to go there. It's not productive or helpful. I think the best thing to do is to take citizen input when given for, against whatever the issue may be and channel that energy positively for the best outcome. That's all that's been trying to be put forth. So, that being said, I do think it would behoove the Council to wait for the opinion from the Ombudsman to see what that, you know, I don't know if Coalville City has put an opinion to the Ombudsman or

not, I'm not even sure that they do, but I do think it would be great to get that outside, unbiased, legal opinion on this because there are a lot of nuances. Again, I'm not a great public speaker, appreciate the birthday girl getting up tonight. I get it. I do, or one of the nuances that I personally don't understand and I find myself scratching my head, is about the nightly rental units. My main question is what comes first, the cart or the horse? Are they a support facility to the golf course, or is the golf course the support facility? It just seems like right now the way it's being proposed, it's a little bit backwards. And I don't know if 100 units to 300 units, I'm not a legal expert, but I do think that needs to be looked at more closely. What comes first? The cart or the horse, and to me that's a basic fundamental question. When you start looking at 303 nightly rental units and say they don't count toward density and again, a house is a house. That's one of the questions that came up in the Planning Commission meeting. Is this going to be a structure or not? So, I just think that's a fundamental thing that I'm struggling with understanding and why we need to wait for the opinion of the Ombudsman. Thanks for your time.

Mayor Trever Johnson stated Cordell Hull had a question earlier before we went to the public portion and questioned if he had his questions answered. Cordell Hull stated he just wanted to see the placement of the project in relation to the cliffs and that it was incidental and he didn't have anything else.

Kelly Ovard – 199 E Bench Way

Kelly Ovard stated will the Ombudsman report be given at a meeting or how will the citizens be able to obtain the information? Mayor Trever Johnson stated a couple of things before we get to that. There is a little bit of a timing question here. The Applicant has exercised the right they have to put a 45-day time frame on the decision. I think that date is August 22nd. Will we have the Ombudsman review by then? I don't know that we know that. So, there is a little bit of timing here that we need to be concerned with. I think, I'm not going to speak for the Applicant, but I'm going to put him in the hot seat a little bit. They have mentioned or I guess entertained the thought of doing an extension until that comes out, but I'm not going to say that they've done that fully. To your point on how that's going to be released, I'm assuming that gets released at the Council Meeting. Sheldon Smith stated the Ombudsman will actually supply his response to the Petitioners and to the Developer and Attorneys involved and myself as the City Attorney. And just so I can clarify, I'm hearing these words, as an unbiased, legal opinion, I've tried to be as unbiased as possible in this process, just analyzing the Code and because of that, I did not submit anything from Coalville City. The Ombudsman is basing his opinion on what was presented by Polly McLean for the CRFG group and by Wade Budge for the Developer. And I did that intentionally. I could go over some things I would kind of like to address, I just, I tried to remain as unbiased as possible. That's the same thing with David Church. I keep hearing that he was biased based on that he was here for Coalville City. When David Church was asked to write an opinion, I gave him the Code. I told, asked him to give us an opinion. I did not tell him what my opinion was. So, he based his opinion on what he thought the Code said and wrote his opinion on what over 33 years of practicing in a municipal law was. So, it had nothing to do with what I said or what I provided. But once we get the opinion, we'll release it to the City Council first and then we'll get it out to the public.

Courtney Richins – Developer, Property Owner

Courtney Richins stated well it really takes a lot for me to get up here because I really hate these meetings. They cause me great anxiety. I've been to a lot of them and I want to tell you why they cause me great anxiety. Typically, I go through a process and I check every box. I cross every "t" and I dot every "i". And I know when this meeting happens, everyone is going to slaughter me. And I've come to the conclusion that I just need to get over it and realize that everyone has the right to an opinion. And that's what I've adopted in my life. But the hardest part is, it's just an opinion and we all have to overlook that and move on, because if you don't, you're going to get caught up in all this other stuff. I've been in meetings where I know what I'm supposedly wanting them to do and then you go to a meeting and two people speak up and it gets shot right down. So, as a Developer, your game is to play by the rules. I play by the rules. I've never not played by the rules because if I didn't play by the rules, it wouldn't happen. So, and I don't like saying anything. You watch, I don't say anything because what happens the next day to me, even if I say nothing in the meeting, the Facebook happens. The bullying. I don't care if you bully me. I don't care, but it happens. You guys all need to understand it's happening on both sides and we all need to stop. And we just need to figure out how. And I think Facebook's trash. And I think if you can't say it to somebody in person, you probably shouldn't be saying it. And I'm not for or against anything, I'm just telling you from a personal situation. One situation that I have lately is, people all come up and say we want your development. We wanted your development. We just don't want this. That's bullcrap. Have Niki pull the minutes from all my developments. Nobody wanted my developments. Nobody wanted I was doing and they still might not. And that's okay if they don't. But, if you play by the rules, and I'm not sure if they're playing by the rules, I'm not throwing that out, but if you play by the rules you should get what you deserve. And if it's yours, you inherited it, it's yours. You bought it, it's yours. And you should have the right to do what you want with it. You don't want somebody to do something with it, then buy it. Because that's what America is. I'm sorry. That's just the strong feeling that I have. The property rights are the most important thing in my world because if you take it away from everybody, what are we? And at the end of the day, we're all in Coalville for a reason. You're here for one reason, a Developer. Either a one lot development, a 20-lot development or a 50-lot development. Not one of you are here because of anything else. If you wouldn't, if they wouldn't have changed something 50 years ago, there's only one or two of you who would be here. So, we have to look at all that. And I'm not saying you can't jump through hoops; it has to be done right. I firmly believe that they jumped through the hoops and it's done right, from my outside perception, I haven't dabbled with anything except for the tax base, it will be a good thing for Coalville. But, some of the people may think it can come together and figure it out. But back to the bullying, I think it needs to stop. I think people need to say things in person. And if the only thing you hear out of all of this is, I've learned one thing, and that's to have a short-term memory and remember everybody has a right to their opinion. And then don't treat them any different the next day. That's all I got to say.

Tom Rees – Adjacent Property Owner

Tom Rees stated there's been a lot of talking going on about the roads, bridges and apparently some of you people are not aware that Coalville City paid over a million dollars so I could drive across a new bridge to go to my house. And I don't pay any City taxes,

other than County. This would be a great way for Coalville City to get some of their investment back if there actually was somebody over there that would use the roads that's going to put some money back into the Coalville tax base. I know that me and Zane appreciate the new bridge, but I don't think that we get any money back. Zane goes over there to check the Spring. There's a lot of worry about the ingress and the egress for emergencies. But there doesn't seem to be much concern with the whole Elementary school up here that only has one way in and one way out. Do our kids not matter? How did that happen? We're worried about Wohali and they've got two roads for fire. Yes, they have to go across one bridge, but it's not the old bridge any more, it's a new bridge. There's a number imprinted on the side of that bridge and that is an NTSE number. You can go on their website; you can call up the State and they'll tell you what that load limit is. And that load limit is any legal load that can go across the Federal Highway. That's the specs it has to be built to because Coalville City received Federal money to build that bridge, so therefore it has to meet all the Federal guidelines. So yes, there could be two cement trucks parked on that bridge at the same time and it will be fine. And also, I was at the Planning Commission meeting when the North Summit Fire Marshal sat right there in the meeting and said, "Yes, this meets the approved guidelines for our Fire District." Has any other subdivision been held to a different standard than what the County Fire Marshal said? Does Coalville City want that responsibility? To me, if a County Fire Marshal, which is the governing body for fires, says, "It's okay by us", that should be okay. Because if Coalville City jumps in and says, "Well, wait a minute. We know it's good enough for you, but it isn't good enough for us even though it was good enough for us when you said it was okay for this subdivision, but now we want to change the rules." I don't think that's right. I just think that they ought to be judged on the merits that's already been there. There's people that if there is a fire, there isn't going to be 10,000 people on that road all at once anyway. You can see that by what's been going on with the fire season this year. Yes, there was a bad fire in Saratoga or where ever it was down there, but guess what? The cops showed up, the fire department showed up, they directed traffic, nobody got hurt and that's what'll happen here. I guess you don't have much faith in our people if you don't think you can handle something that might happen. Nobody said it's going to happen, but if it does happen, I'm sure it'll be handled. I have faith in it that. We did have a fire over there that threatened my home. The County was there with the fire truck by my house waiting for it to come. It never did come, but they were there. And that would be the same way if it was anybody's house in the City, whether it's Wohali, whether it's on Main Street, whether it's up Chalk Creek. I think it can be dealt with and I don't think the road issue needs to be beat anymore. I think that their traffic plan, I've read it and if anybody else wants to read it they can go back to the application and it's there. It was for more than it was now. So, thank you. I know you guys got a tough job, but they checked the boxes, they should be, and again, this is Preliminary. Thank you.

Stefanie Bowen – 163 E Bench Way

Stefanie Bowen stated I missed part of the meeting tonight, so I don't know what's already been said, that I missed. But the one thing that keeps replaying in my mind, because this next school year I will have a student in every school, I will have a high schooler, I will have a middle schooler, I will have a kindergartner, and I heard it said at the meeting months ago that what we have at North Summit is good enough. Since when, is that what we want for our kids? Since when, is good enough, good enough? We have a Developer

here that can bring so many good things to our kids. There is less for our kids to do now in Coalville City than there was 20 years ago, 30 years ago when I was a kid. A splash pad? An amphitheater? Do, I'll buy a Membership so that my kids have somewhere to go and something to do that Coalville City frankly, should already have. I want our kids to be able to sign up for athletics and not worry about how their parents are going to pay for it, or if they can pay for it. I'm have had a cheerleader now, this'll be the second year, it's the most expensive extracurricular activity. You can either pay \$2,000 or more at the end of the year or you make monthly payments. Not everybody can do that. Sometimes I wonder if I can do that, but do I hold my daughter back from something that she really wants to do because she doesn't know if her parents can pay for it? Football, Drill Team. This is an opportunity that I think we would be foolish to not give it a chance. To not, be cautious, but be common sense. And just like so many people have already said, I hope that you not only listen to everybody's voices who have gotten up, but don't forget to listen to your own as well. I just want to thank everybody for your public service and the difficult days you put into this responsibility.

Richard Horne – 38 E Black Willow Drive

Richard Horne stated I'm going to offer a little different perspective on this. I'm a golfer. I've been a member of the US Golf Association for 20 plus years. I'm a member of the Utah Golf Association and I work for the phone company, for Century Link. I've directed two golf tournaments this year in Thanksgiving Point and (inaudible). And we have a group of people that travel. We have six tournaments a year, we travel all over the state of Utah and we golf. And, we support the communities that we travel to. We spend a lot of money, hundreds of thousands of dollars, each time that we travel to one of these places and stay there. We rent condominiums or hotel rooms everywhere that we go. The support facilities in the places that we go are important, that's what we use to decide where we go. We have great people we travel with. A lot of the golfers who we have in our community, in our golfing group, they travel all over the United States. Park City is a world class destination. We have people that come to ski and to participate in the Sundance Film Festival from all over the world. I can see why they would look, as they're looking for comparables for golfing, I can see why they would look all over the world. We have people who come from all over the world. If you've even ridden in a ski lift over at Park City, I've ridden with somebody from a different State, from a different Country. It happens all the time. A golfing community, we buy groceries. We look for things to do when our golfing's done for the day. We look for things to do, ancillary activities. You want to have other things to do. If you bring family members with you, I can see the need for a lot of support facilities for a place like that, especially a world-class one where they have an upper scale membership. They're going to bring friends, they're going to bring family, they're going to bring buddies and have buddy golf trips. People will come from all over the place and they're going to expect to have grocery stores, they're going to expect to have things to do other than just, what do you do when you're done with your golf day. They're going to have lots of things that they're going to expect to do. And we, as a community, are going to need to support that. We're going to have to. I imagine the Merc may need to expand a little bit. But we have things that, it's going to be a boom for business around here. I would be looking for a place to, we support restaurants, we take a lot of money to these places and leave it there when we go traveling with our golf. Golf is a wonderful thing. It brings people together. It's a wonderful family activity. I look

forward to having them here. I don't know if I will be able to golf or not. I'm not sure what the golf arrangements will be. Maybe they'll have a place for me, maybe not. That's okay, but it's going to be a wonderful golf course. And so, I see that as a benefit for our community, to support our community, to help us with all of taxes, all of our businesses, brings business. We need business. If you've been down Main Street, we have empty buildings there. We can't have empty buildings. We've got to keep growing. We have new businesses coming in here. I saw Escapod that's taking business just down the road. They're were up in Wanship. They're doing good I guess, they've joined us. But we have the new State Park down here and we need businesses to support these places. This process, the gas stations, all the groceries that are bought for the picnics and things like that. Having a place like this helps us. And, I hope we give that a thought as for golf courses, there is a lot of support stuff. A good buddy of mine is a Superintendent, and there's a lot of money that goes into golf courses. There are jobs that go into golf courses. I don't know if they will have a Superintendent or not, but it's a big deal. So, I hope that we cross our "t's", dot our "i's", make sure that we can do everything right. But this is a good course. I think this is a really good course and really good for the community.

Mayor Trever Johnson closed the public hearing at 10:24.

Mayor Johnson asked the Council for any final thoughts. Council Member Phil Geary stated he thought it was wise to try and wait for the Ombudsman opinion. And if everything meets the Code, then we go for it. Council Member Tyler Rowser stated he thought it was a productive meeting and there was great diverse aspect from everybody here and information from all sides. He stated it gave a lot more to think about. He stated he thought they should wait until at least the next meeting or August 22nd if there wasn't an extension. Council Member Don Winters stated he agreed. Council Member Rodney Robbins stated there was a lot more to discuss, but with the lateness of the hour it could wait until the next meeting.

Item C – Consultant Updates:

Don Sargent stated he wanted to give an update on the golf course construction. The alternate road alignment has been connected and the old road had been abandoned. He stated he hadn't heard of any issues with the new road. He hadn't driven it recently, but he would to make sure it was equal to or better than the old road.

Don Sargent stated Mayor Johnson had instructed him to hold off on any new Code amendments and he had brought him up to speed on where he was with the Planning Commission and that's where it stands.

Item E – Community Development Updates:

Shane McFarland stated there was one business license for approval for Ridley's Coalville Pharmacy. He stated they were located in the Community Commercial zone in the strip mall behind Zion's Bank. He stated they had only submitted their application this afternoon and he didn't have a chance to verify their licenses. He stated the application listed this would be a Tele-pharmacy provided by their Midway location.

A motion was made by Council Member Tyler Rowser to approve the business license for Ridley's Coalville Pharmacy on the condition of verification of their pharmaceutical licensing. Council Member Don Winters seconded the motion. All Ayes. Motion Carried.

Item D – Public Works Updates:

Zane DeWeese stated he didn't have anything tonight.

Item F – Legal Updates:

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

Item H – Council Updates:

Council Member Tyler Rowser stated there was a street light out that was located in front of his house. Zane DeWeese stated he would get it taken care of.

Council Member Rodney Robbins questioned if Mayor Johnson had looked into the conditions to apply for the Grant for the General Plan. He stated it had to be in by August 3rd. Mayor Johnson questioned if it needed to be put to the Council for a vote to see if that was something they wanted to do. He questioned if there was a condition that we had to match something and if we had money to put toward the Grant. Council Member Tyler Rowser stated he thought it was a 93% Grant so the City would be responsible for the other 7%. Niki Sargent stated she hadn't received any information about applying for a Grant and didn't know what the requirement were. Council Member Cody Blonquist verified Mountainlands helped the City before for no cost. He stated Lynn Wood had volunteered to do the Grant writing. Lynn Wood stated Rural Community Consultants had given some guidance and suggestions for the answers for writing the Grant and it was a 7% match. She stated there was more information on it. Mayor Trevor Johnson suggested checking with MAG to see if they still offered assistance like before. Shane McFarland stated JUB Engineers worked with MAG on the last General Plan so there would have been a little bit of cost from them. Council Member Cody Blonquist suggested maybe looking to see what was involved with the Grant due on August 3rd.

Item H – Mayor Updates:

Mayor Johnson didn't have anything else tonight.

Item J – 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 July 13, 2020 meeting.

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

Item 5 – 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 10:36 P.M.

Mayor Trever Johnson

Attest:

Nachele D. Sargent, City Recorder

"Exhibit A"
Council 7/27/2020

Coalville City water discussion summary

1. 2015 Coalville City asked J-U-B engineers to complete a culinary water master plan with the intent to apply to USDA-RD for funding assistance.
2. The masterplan was completed and funding for a partial grant and loan was given to the city by USDA-RD.
3. The masterplan outlines three major components to the city culinary water infrastructure
 - a. City Distribution: The distribution portion of the project has been completed and resulted in replacing approximately 80 - 85% of the system. Areas that have not been replaced will continue to be on the city capital improvement list
 - b. Storage: A 600,000 gallon concrete storage tank has been completed and put into service. The tank is located on city property behind the bus shop.
 - c. Treatment: The treatment plant has been designed and is currently under agency review to receive approval to bid the project.
4. Treatment Plant Information
 - a. During the review and approval of the water master plan J-U-B engineers presented to the city council the need to achieve an additional 200 gallons per minute (gpm) to meet the peak day demand.
 - b. The 200 gpm is not intended to be supplied continually through the year. It is to only meet those periods of the year in which demand is at its highest.
 - c. J-U-B engineers presented two options to the city council to obtain the needed 200 gpm.
 - i. One option was to drill a shallow well approximately 60 – 100 feet deep and use Coalville city existing water rights to pump shallow ground water.
 - ii. Second option was to pump water from the Weber river and utilize reserve water from Weber Basin Water Conservancy District. The city had 300 acre-feet of water reserved that could be converted to contract water.
 - d. The city council voted to give J-U-B direction to implement both options. Both options were not necessary, but the city elected to have a redundant source in the event one would not work.
 - e. The shallow well has received the change application for the water rights and has been drilled. The pump test has shown a flow rate of the desired 200 gpm.
 - f. The city also has contracted with Weber Basin Water Conservancy District for 110 acre-feet of district 2 water to be diverted from the Weber river and treated for culinary use. This water is not the same water as the shallow well. They are different sources and the use of one does not affect the other.
 - g. The masterplan shows the need for an additional 178 gpm in the year 2035. There is some contingency in having the plant designed for 200 gpm. Additionally, the plant will have the ability to increase capacity by adding more filters and adding an additional treatment skid. There will currently be two skids in place, one acting as a redundant skid in the event one is down for maintenance.
 - h. The total ERC's for 2030 planning is 895 and for 2035 it is 1014.
 - i. The total connections for the city in 2020 is 711.



"Exhibit B"
Council 7/27/2020

Staff Report

Coalville City
Project Coordinator

To: Coalville City Mayor and Council
From: Don Sargent, City Project Coordinator
Date of Meeting: July 27, 2020
Re: Wohali Proposed MPD and Phase I Preliminary Subdivision Plat Application
Action: **Continued** Work Session and Public Hearing

Wohali MPD and Phase I Preliminary Subdivision Plat

REQUEST

The purpose of the continued work session is to address the proposed new Wohali Development application, particularly the Master Planned Development (MPD) provisions and the Preliminary Plat for Phase I of the project. A continued public hearing is also scheduled to receive additional public comment and input on the application.

The project site is comprised of 1,664.04 acres and is proposed as a rural golf resort community. The proposed application includes the following:

1. One hundred twenty-five (125) residential lots under the existing Agriculture (AG) Zoning of the property.
2. Three hundred and three (303) nightly rental units.
3. Master Planned Development (MPD) including density bonuses with deed restricted open space, residential lots, resort nightly rental units, resort amenities, support facilities and recreational uses.

BACKGROUND

Following the filing of a citizen referendum opposing the previous approved preliminary MPD, and property rezone, the Wohali developers elected to file a new application under the existing zoning and permitted uses for the property. The previous approved MPD and Rezone application has been withdrawn by the applicant. The current application overview to date is as follows:

- January 17, 2020 - Pre-Application conference held in-person to confirm required review process of application based on existing zoning with permitted uses (application process was previously discussed with applicant).
- January 17, 2020 - Applicant submitted a full preliminary subdivision plan and MPD application with required fees. (Based on the review of the previous Wohali application and associated plans and information on file with the city, a concept plan was not required).
- January 21, 2020 - Staff determined the preliminary plan and MPD application to be complete with required information.

- January 24, 2020 - Staff met with applicant to address several initial review items with the proposed project including note clarifications on plans, required setbacks, and number of nightly rental units' justification.
- February 18, 2020 - The preliminary subdivision and MPD plan scheduled on the Planning Commission meeting agenda for a work session.
- March 16, 2020 - The preliminary subdivision and MPD plan scheduled on the Planning Commission meeting agenda for a continued work session (this meeting was cancelled due to COVID-19 restrictions).
- May 18, 2020 - The preliminary subdivision and MPD plan scheduled on the Planning Commission meeting agenda for a continued work session.
- June 15, 2020 - The preliminary subdivision and MPD plan scheduled on the Planning Commission meeting agenda for a continued work session and public hearing.

At the June 15, 2020 meeting, the Planning Commission determined the project complied with the requirements of the development code and unanimously recommended approval of the project to the City Council. The recommendation included the approval of the Wohali MPD and Phase I Preliminary Subdivision Plat. The motion also included a statement that nightly rental units are entitled with the development, and the final number of nightly rental units are to be determined by the City Council in their review of the project application.

- July 13, 2020 - The City Council conducted an initial work session and public hearing on the proposed project. The work session and public hearing was continued for additional review and public comment.
- July 27, 2020 - The preliminary subdivision and MPD plan scheduled on the City Council meeting agenda for a continued work session, public hearing, and possible action.

The following link includes the complete project application file information as required by the development code and supplemental support documentation for the application submittal:

<https://www.dropbox.com/sh/klngqb7spmlzjhh/AABnbBlkRr8NRLWv98edKtvja?dl=0>

In addition to the information provided in the project file link, the following analysis and studies are already on-file with the City from the previous MPD and Rezone application:

- Overall Sensitive Lands Analysis
- Wildlife and Endangered Species Study
- Roadway Right-of-Way Use Documentation and Mapping

Required Review Process

The application is subject to the MPD requirements of Chapter 6, Agricultural Zone (AG) requirements of Chapter 9 and the Major Subdivision requirements of Chapter 2 of the development code. The required review process includes a review and public hearing by both the Planning Commission and City Council. Prior to final action by the City Council, the Planning Commission shall hold a minimum one (1) public hearing prior to forwarding a recommendation to the City Council. The City Council shall also hold a minimum of one (1) public hearing prior to taking final action on the application. The City Council action shall be in the form of written findings and in the case of approval, conditions of approval.

Prior to forwarding a recommendation to the City Council the Planning Commission reviewed the application in three (3) work session meetings and conducted the required public hearing on June 15, 2020.

The City Council is the final land use authority for this application with the role of determining if the project application, as proposed, complies with the applicable requirements of the development code and if the required findings in Section 8-6-080 of the MPD provisions supports approval of the master planned development. *Attachment A* includes the MPD provisions for reference.

ANALYSIS

For reference, the following is a summary of the variations from the original project proposal (Wohali 1) and the current project proposal (Wohali 2). The project submittal information in the Dropbox link above reflects the new development density, configuration and supporting documentation.

1. No Rezone request – applicant is applying under the existing zoning of AG (1 unit /20 Acres) and allowed permitted uses in the zone district.
2. Added 138.34 acres of Wohali Partners Property east of the previous application. This area is all proposed as open space. Total project area is now 1,664.04 acres.
3. Providing a higher percentage of dedicated open space (70.48% vs 50%).
4. Additional open space allows for a maximum 50% bonus density per the MPD Ordinance.
5. Reduced residential density from 570 lots to 125 lots.
6. All 125 units will have potential for ADU's on each lot as allowed per the development code.
7. Increased nightly rentals from 130 to 303.
8. All residential lots and nightly rentals are located in the east portion of the property except for one large lot located west of the ledges.
9. All golf resort amenities remain as proposed originally but are for exclusive private use of golf resort members and guests only (the general public will not have access to the amenities).
10. Entry access will be gated.
11. Sewer and culinary water service will be provided by Coalville City with Wohali paying for all required infrastructure to serve the development and all impact/hookup fees and usage fees (consistent with other recent developments approved in Coalville City).
12. No new culinary wells and associated water capacity will be provided to the City.
13. Annual estimated fiscal benefits have been adjusted based on the new proposal.

The purpose of this summary is to provide context for the current application which is proposed on the same property. The current application is required to be reviewed on its own merits in accordance with the development code.

Nightly Rental Use Review

The primary issue regarding the current application discussed with the Planning Commission was the nightly rental units being proposed by the applicant. *Attachment B* includes the Discussion Points that were addressed by Planning Commission and Staff with the review of the application regarding the nightly rental use.

Staff also reviewed and discussed the nightly rental use questions with David Church, legal counsel for the Utah Leagues of Cities and Towns. Mr. Church prepared a written opinion regarding the proposed nightly rentals which he presented to the Planning Commission at their June 15, 2020 meeting. *Attachment C* includes the written opinion by David Church which appears to support the nightly rental uses as proposed by the applicant and recommended by the Planning Commission.

The applicants indicate they need a critical mass comprising the proposed 125 lots and 303 nightly rentals to get to a base of 428 memberships to support the golf course primary use on the property. A Nightly Rental Unit Comparison of other similar golf course resort developments, included as *Attachment D*, was provided by the applicant to justify the proposed number of nightly rental units for Wohali. *Attachment E* includes an illustrative Village Site Plan of the project village core area showing where and in what configuration the nightly rentals are proposed within the context of the golf course uses and associated resort amenities (nightly rental uses are shown in light red). The Planning Commission recommendation indicated that the final number of nightly rental units are to be determined by the City Council in their review of the project application.

Infrastructure Requirements (including secondary water)

Under the current application, the developer will be required to construct the necessary infrastructure to extend City water and sewer utilities to the project site and pay all associated connection and service fees consistent with other recently approved developments in the City. As the existing City secondary water system is unable to serve the property, the developer will be responsible for providing secondary irrigation water to serve the proposed development. *Attachment F* includes the proposal submitted by the applicant for providing secondary water service to the development. Continued review and clarification of secondary water service will be a topic for discussion at the meeting.

Development Agreement

A draft development agreement has been prepared and submitted by the applicant and is currently under review by Staff for initial comment and input consistent with the requirements and standards of the development code and engineering standards of the city. The purpose of the development agreement is to memorialize and address the development plans, city water and sewer service capacity and timing demands, and developer obligations and responsibilities overtime as the project builds out. The development agreement will also be reviewed by the Planning Commission for comment and input and forwarded to the City Council.

RECOMMENDATION

Staff recommends the City Council conduct the continued work session and public hearing to review, discuss and address the issues of the proposed project. Staff also recommends the City Council provide direction to Staff for the preparation of initial findings of fact, conclusions of law and possible conditions for review and verification by the council prior to taking an action.

Attachments:

- A** – MPD Provisions
- B** - Nightly Rental Use Discussion Points
- C** – Written Opinion by David Church
- D** – Nightly Rental Unit Comparison
- E** – Village Site Plan
- F** – Wohali Wet Water Development Status

ATTACHMENT A

MPD Provisions

CHAPTER 6

MASTER PLANNED DEVELOPMENTS (MPD)

- 8-6-010: Purpose**
- 8-6-020: Applicability**
- 8-6-030: Uses**
- 8-6-040: Process**
- 8-6-050: Vesting of MPD Approval**
- 8-6-060: MPD Modifications**
- 8-6-070: MPD Requirements**
- 8-6-080: Required Findings**

8-6-010: PURPOSE

The purpose of the Master Planned Development (MPD) is to provide a comprehensive project design strategy to create projects, including mixed use development, that best address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The master planned development process also creates tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation to advance the goals of the General Plan and this chapter.

8-6-020: APPLICABILITY

The master planned development process shall be required in all zones for the following applications:

- A. Any application for a rezone.
- B. Any application to subdivide at base density resulting in six (6) or more lots or parcels (Major Subdivision).
- C. Any application which includes the transfer of base density or uses between zones on a single parcel which results in the creation of six (6) or more lots or parcels.
- D. Any application which includes a density bonus within a residential zone.
- E. All applications for commercial uses, retail commercial establishments, offices, institutional uses or industrial uses with more than twenty-five thousand (25,000) square feet of floor area.

8-6-030: USES

A master planned development shall become supplementary to the provisions of the zones in which the MPD is located, including rezones.

- A. **Differing Zones:** When the project includes parcels with adjacent differing zones or uses, the MPD may be relocated across zone boundaries so long as the City Council determines that the relocation results in a project design that advances the goals set forth in the General Plan.
- B. **Attached Units:** Attached units may be allowed in all residential and commercial zones except the Agriculture (AG) Zone and Residential Agricultural (RA) Zone.
- C. **Types of Developments:** Master Planned Developments may include commercial/industrial projects, cluster subdivisions, mixed use planned developments, twin or town homes, condominiums, resort units and subdivisions, combinations of housing types such as single units and multiple units, and zero lot line developments.
- D. **Zone Use Limitations:** Uses permitted in the MPD shall be limited to those uses permitted in the Zone District in which the MPD is proposed, with exceptions for support accessory uses in mixed use developments.

8-6-040: PROCESS

The MPD application process has three primary steps:

- A. **Pre-Application Conference:** A required pre-application conference shall be held with staff for the applicant to become acquainted with the master planned development procedures and related City requirements, standards and schedules. Staff may give preliminary feedback to the applicant based on the information available and inform the applicant of potential issues or special requirements which may apply to the proposal.
- B. **Master Planned Development Application:** A concept and preliminary plan for the master planned development shall be submitted with completed application forms supplied by the City. A list of minimum requirements will accompany the application form. The application must include written consent by all owners of the property to be included in the master planned development. Once an application is received, it shall be reviewed for completeness. The applicant will be informed if additional information is necessary to constitute a complete application.
- C. **Planning Commission and City Council Review and Public Hearings:** The City Council is the Land Use Authority for master planned developments. Prior to final action by the City Council, the Planning Commission shall hold a minimum of one (1) public hearing prior to forwarding a recommendation to the City Council. The City Council shall also hold a minimum of one (1) public hearing

and take final action on the application. City Council action shall be in the form of written findings and in the case of approval, conditions of approval.

8-6-050: VESTING OF MPD APPROVAL

Construction, including the installation and placement of infrastructure such as roads and utilities, within the MPD project area will be required to commence within five (5) years of the date of the City Council approval. After construction commences, the MPD shall remain valid so long as it is consistent with the approved project-phasing plan as set forth in the MPD approval and associated documents. It is anticipated that the specific project-phasing plan may require periodic review and re-evaluation of the project during the development of the project. Extensions will not be considered for an MPD approval that does not meet the prescribed timeframes as specified in this section.

- A. **Final Subdivision Plat:** The initial final subdivision plat associated with a Master Planned Development must be recorded within three (3) years of the date of the City Council MPD approval and construction of the project must begin within five (5) years of the date of City Council MPD approval. In the event that the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final subdivision plat shall be void.
- B. **Final Site Plan:** The initial final site plan associated with a Master Planned Development must be approved within three (3) years of the date of the City Council MPD approval and construction of the project must begin within five (5) years of the date of City Council MPD approval. If required final site plan approval and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final site plan shall be void.
- C. **Rezone:** Master Planned Developments associated with a rezone will be required to commence construction within five (5) years of the date of the City Council MPD approval. If the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone(s) shall revert to the previous zone designation(s).
- D. **Phasing and Density Bonus:** For phased developments, it shall be necessary to record the Phase 1 Final Subdivision Plat within the prescribed three (3) year timeframe to vest the entire master planned development and density bonus. Thereafter, subdivision plats associated with subsequent phases of the master planned development shall be recorded in accordance with the overall phasing plan approved for the development.

8-6-060: MPD MODIFICATIONS

Modifications to an MPD shall be processed as a minor or major amendment as follows:

- A. **Minor Amendment:** A minor amendment is defined as an amendment that does not increase square footage, density, or intensity (traffic or parking demand,

service demand, etc.) of the previously approved master planned development. A minor amendment shall be processed as a Minor Permit.

- B. **Major Amendment:** A major amendment is defined as an amendment that increases square footage, density, or intensity (traffic or parking demand, service demand, etc.) of the previously approved master planned development. A major amendment shall be processed as a Master Planned Development.

8-6-060: MPD REQUIREMENTS

All applications for a master planned development shall meet the following minimum requirements. Additional project information necessary for the project analysis may be required at the discretion of the Community Development Director, Planning Commission, or City Council.

- A. **Density:** The maximum density permitted on the project site will be determined as a result of a site design, sensitive lands and infrastructure impact analysis. The maximum density shall not exceed that set forth in the proposed or existing zone, except as otherwise provided in this section.
- B. **Deed Restricted Open Land:** Deed restricted open land consists of land in a subdivision or MPD that is left natural, undeveloped or unimproved (except recreation areas) and is deed restricted for public or private purposes including agricultural production, scenic, historic, or cultural resources and active or passive recreational uses such as trails, parks, golf courses and similar uses.
1. Deed restricted open land does not include open areas in private individual residential lots, public roads, private roads, parking spaces and drive aisles in parking lots, outdoor storage areas and land covered by structures not designated for recreational use.
 2. A base percentage amount of deed restricted open land is required in all master planned developments within each zone district as follows:

a. Agricultural Zone (AG)	20%
b. Residential Agricultural Zone (RA)	15%
c. Low Density Residential (R-1)	10%
d. Medium Density Residential (R-2)	10%
e. High Density Residential (R-4)	10%
f. Very High Residential (R-8)	5%
 3. The City Council may consider a reduction in the base amount of deed restricted open land when the reduction results in the project advancing the goals, objectives and policies of the General Plan.
 4. Where an MPD contains more than one (1) zone, the City Council may consider the location of deed restricted open land irrespective of zone boundaries to advance the project design or use, accessibility and quality

of the open land. This exception may only be considered if the project advances the goals, objectives and policies of the General Plan.

5. At the discretion of the City Council, Deed Restricted Open Land may be applied on different property better suited for restricted open land which is not associated with the proposed development and owned by the applicant.

C. **Density Bonus:** A density bonus may be permitted in accordance with the following:

1. Deed Restricted Open Land: In addition to the base requirement of an MPD, additional deed restricted open land is a requirement for the development of bonus density.
2. Bonus Density Calculation. If the proposed number of lots in an MPD is greater than the allowed base density, the applicant shall be entitled to the increased number of lots in excess of base density at a one-to-one percentage ratio of the amount of deed restricted open land being set-aside.
 - a. The amount of bonus density is calculated by multiplying the base density by the percentage of deed restricted open land being set-aside, in addition to the base requirement of the MPD.
 - b. The amount of the density bonus cannot exceed more than fifty percent (50%) of base density.
 - c. The base density and minimum lot size in each zone for Master Planned Developments shall be as follows:

Agriculture Zone (AG)	1 Unit/20 Acres: 1-acre min.
Residential Agriculture Zone (RA)	1 Unit/5 Acres: 3/4-acre min.
Low Density Residential (R-1)	1 Unit/Acre: 1/2-acre min.
Medium Density Residential (R-2)	2 Units/Acre: 1/3-acre min.
High Density Residential (R-4)	4 Units/Acre: 1/4-acre min.
Very High Density Residential (R-8)	8 Units/Acre: 1/8-acre min.
 - d. No more than fifty percent (50%) density bonus of the deed restricted open land may consist of sensitive lands.

Example Bonus Density Calculation for a ten (10) acre parcel in the R-1 Zone with 2 acres of sensitive lands:

R-1 Zone base density (1U/AC) = 10 lots/minimum lot size ½ acre.
10%(1 acre) base requirement + 20% (2 acres) deed restricted open land being set-aside = 2 bonus density lots.

50% of 2 acres of sensitive lands= 1 acre.
Total of 12 lots on 6 acres at ½ acre minimum size.

- D. **Setbacks:** The minimum setback around the exterior boundary of an MPD shall match the setbacks of the more restrictive/larger abutting zone setback. In some cases, that setback may be increased to create an adequate buffer to adjacent uses. The City Council may reduce or increase setbacks as determined by the overall density configuration, clustering, open land, and proposed product types within the development from those otherwise required provided the project meets minimum Building Code and Fire Code requirements.
- E. **Building Height:** The maximum building height for all structures within a master planned development shall not exceed the zone standard. The City Council may grant additional building height beyond the maximum zone standard up to forty five feet (45') based on demonstrated good cause, related but not limited to, structured parking, workforce housing, deed restricted open land, community outdoor common area improvements, superior architectural design or provision of community support services.
- F. **Reduction of Minimum Lot Size Requirements:** The City Council may reduce the minimum lot size specified in a zone (minimum 0.10 acre) for density purposes if it finds the proposed decrease in minimum lot size:
1. Improves the development site design;
 2. Results in the clustering of buildings or lots;
 3. Preserves contiguous open land and natural resources;
 4. Provides efficiency of infrastructure, and;
 5. Produces unique product type development.
- G. **Off-Street Parking:** Master planned developments shall meet the following off-street parking standards:

a. Residential uses:	
(1) Single family dwelling unit	Minimum 2 spaces/unit
(2) Duplex dwelling unit	Minimum 2 spaces/unit (total of 4/building)
(3) Accessory dwelling unit	Minimum 1 space/unit
(4) Guest house	Minimum 1 space/unit
(5) Multi-unit (3 or more units)	Minimum 1 space/unit

b. Non-residential uses:	
(1) Commercial/retail	3 spaces/1,000 sq. ft. of net leasable floor area
(2) Commercial/restaurant-cafe	3 spaces/1,000 sq. ft. of net leasable floor area
(3) Hotel/lodging	1 space/guest room or suite; 2 spaces/1,000 sq. ft. of net support commercial floor area
(4) Offices	2.5 spaces/1,000 sq. ft. net leasable area

1. The off-street parking requirements for any other uses not listed above shall be determined by the City Council based on a project-specific parking study provided by the developer and prepared by a qualified traffic engineer.
2. The City Council may reduce or increase the overall parking requirement for a master planned development based upon the applicant demonstrating reasonable justifications for the increase/decrease in parking spaces.
3. The City Council may grant additional exterior/surface parking provided such parking is designed to include permeable surfaces, additional landscaping and buffering.

- H. **Designing with The Topography:** Master planned developments shall be designed to fit into the topography of the site. The City Council may consider flexibility in the siting of development to best fit into the natural terrain, minimize excessive site grading and mitigate impacts on the natural environment and resources of the surrounding area. The project design shall demonstrate the preservation of watercourses, drainage areas, wooded areas, steep terrain and other natural features and areas.
- I. **Designing with Adjacent Uses:** The master planned development shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse effects, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.
- J. **Access:** All master planned developments shall have vehicular access from a public road. All projects shall have a secondary point of access in compliance with the city engineering, development code and fire district standards. All roads/streets shall follow the natural contours of the site wherever possible to minimize the amount of grading and balance the cut and fill of the roadway.

- K. **Utilities:** Existing or proposed utilities, including private and public services for master planned developments shall be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, and existing public services, and utility resources. Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite infrastructure standards found in this title.
- L. **Building Locations:** All buildings shall be located to avoid, to the extent practicable, wetlands, riparian areas, steep slopes, ridgelines and other similar areas in accordance with the sensitive land regulations of the title.
- M. **Connectivity:** Internal and external vehicular/pedestrian/bicycle circulation should be demonstrated at the time of application per the City Transportation and Trails Master Plans. Pedestrian/equestrian/bicycle circulation should be separated from vehicular circulation wherever reasonable.
- N. **Snow Storage:** Master planned developments shall include adequate areas for snow removal and snow storage. An appropriate form of landscaping plan shall allow for designated snow storage areas. Structures shall be set back from any hard surfaces to provide adequate areas to remove and store snow. Snow should be able to be stored on site or hauled to a location within the MPD and not removed to an off-site location.
- O. **Outdoor Lighting:** All outdoor lighting shall be downward directed and fully shielded per the City Outdoor Lighting requirements of this title. All outdoor lighting shall be designed and installed to prevent light trespass on adjacent properties. Lighting of the United States flag is exempt from this provision.
- P. **Compliance with Development Evaluation Standards:** Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite development evaluation standards found in this title.
- Q. **Project Design Narrative:** An application for a master planned development shall include a written explanation of how the project plan addresses the following design questions:
1. Community Connectivity: How does the proposed development interconnect and the surrounding properties, neighborhood, and area? Including but not limited to:
 - a. Where will vehicles enter and exit the site?
 - b. Where will new streets be developed?
 - c. Is there a need for pedestrian and bicycle routes (including trails and sidewalks) through the project area or connection with adjacent

properties per the City Trails Master Plan? If so, how are such needs and routes addressed?

- d. Is the location of the proposed development within reasonable proximity (including walking and biking) to community facilities and services such as schools, retail centers, parks, etc.?
2. Housing Needs: How does the proposed development advance the community need for a mix of housing types and affordability, as prescribed in the General Plan?
3. Character: What are the architectural design character objectives of the proposed development? How do these design objectives address the local context, character and/or community preferences?
4. Site Design: How is the proposed development designed to integrate with the existing topography, landscape features, riparian areas, vegetation, wildlife corridors, existing structures, etc.?
5. Complete Street Design: How is the proposed development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, safe speeds and avoidance of vehicle/pedestrian conflicts?
6. Parking Areas: How does the proposed development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, and exterior lighting?
7. Public and Private Outdoor Spaces: What is the proposed development's need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed development address these needs?
8. External Storage: How does the proposed project address needs for garbage collection, equipment or vehicle storage, etc.?
9. Natural Resources: How does the project preserve and protect critical wildlife habitat, riparian areas, water recharge zones and other natural resources and sensitive lands?

8-6-080: REQUIRED FINDINGS

The City Council shall make findings with evidence that supports the following conclusions to approve a master planned development. In most cases, conditions of approval will be attached to the final action to ensure compliance.

- A. The master planned development site design integrates well into the natural terrain, minimize excessive site grading and protects and preserves surrounding natural areas.
- B. The master planned development 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.
- C. The master planned development 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.
- D. The master planned development has direct vehicular access from a public road or suitable private road or driveway access meeting all requirements of the city engineering, development code and fire district standards.
- E. The master planned development has a secondary point of access/emergency access or other mitigation satisfactory to the City Council and fire district.
- F. All roads/streets within master planned development follow the natural contours of the site wherever possible to minimize the amount of grading and balance cut and fill.
- G. Existing or proposed utility and public services are adequate to support the proposed master planned development at normal service levels and are designed in a manner to avoid adverse impacts on existing adjacent land uses, public services, and utility resources.
- H. The proposed structures within the master planned development are located on reasonably developable portions of the site as determined by the site analysis and sensitive lands determinations. The open areas within the master planned development are designed so that existing significant vegetation can be maintained to the greatest degree possible.
- I. The master planned development includes adequate internal vehicular and pedestrian/equestrian/bicycle circulation in accordance with the City Transportation and Trails Master Plans.
- J. The master planned development includes adequate and designated areas for snow removal and snow storage.
- K. All exterior lighting within the master planned development is downward directed and fully shielded in compliance with the City Outdoor Lighting standards.

- L. The masterplanned development, as conditioned, complies with all the requirements of this chapter.
- M. The masterplanned development, as conditioned, is consistent with the General Plan.
- N. The masterplanned development has been noticed and a public hearing held in accordance with this chapter.

ATTACHMENT B

Nightly Rental Use Discussion Points

Nightly Rental Use Discussion Points:

- Nightly Rental is defined in the Code (10-2-145) as *the rental of a room, apartment, house, or lockout unit for a time period of less than thirty (30) days.*
- Nightly Rental uses are not listed in the use tables as an allowed use in any zone district, either as permitted or conditional, nor is there any other code regulation or ordinance language addressing nightly rentals, other than business licensing.
- In the Commercial and Light Industrial Zone Districts (10-15-020) it states: *If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by an "N".*
- Nightly rental units have been approved by the City on other properties, either as a room or unit rental.
- Recreation facilities or uses are listed in the Code (10-9-020) as a permitted use in the AG Zone District.
- Recreation, Facilities are defined in the Code (10-2-189) as *recreational facilities such as parks and areas of active recreation use, including...clubhouses...golf courses, and similar uses as well as support facilities customarily associated with the recreational facility.*
- Support Commercial Uses are defined in the Code (10-2-230) as *Support Commercial Facilities includes those commercial uses that are associated with an MPD for the purposes of serving the needs of the residents or users of that development, and not the general public.*
- Condition of Approval #9 of the previous approved Wohali MPD application addressed nightly rental support commercial uses which included a *maximum potential of 130 nightly rental resort units subject to the review and approval of phasing project plat applications.*
- Accessory Uses, Buildings and Structures are permitted uses in the AG Zone District and are defined in the Code (10-2-4,6,7) as *a use or building on the same lot as the primary use which is incidental to the primary use for the benefit of the owners, occupants, employees, customers or visitors of the lot with the primary use.*
- The definition of a Dwelling in the Code (10-2-77) specifically excludes *hotel, motel, lodge, or nursing home rooms.*

ATTACHMENT C

Written Opinion by David Church

BLAISDELL, CHURCH & JOHNSON, LLC
ATTORNEYS AT LAW

5995 SOUTH REDWOOD ROAD
SALT LAKE CITY, UTAH 84123

DAVID L. CHURCH

TEL (801) 261-3407
Email: dchurch@bcjlaw.net

June 12, 2020

Sheldon,

You have asked my opinion as to whether or not the building of a lodge and cabin/casitas that will be used for short term rentals in conjunction a golfing facility is a permitted use in Coalville City's agricultural zone. You have also asked me to opine on the issue of whether or not these would be counted against the allowed density for single family dwellings in that zone.

In rendering this opinion I have reviewed the City's land development code along with the information that you provided to me consisting of some plats, plans and bubble charts provided to you by the applicant for the project. I have also spoken with the applicant's attorney about their application and intentions.

I have kept in mind the following guiding principles of law which confine my legal opinion.

First under Utah law a Land owner is entitled to approval of its application if the application complies with the City's land use regulations. Utah Code 10-9a-509. The applicant's attorney indicated to me that they are not asking for any code or zoning amendments and are applying under the City's regulations as they exist.

Second, All ambiguities in the land use ordinances are to be interpreted in favor of the land owner, "because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner." *Patterson v. Utah County Bd. of Adjustment*, 893 P.2d 602, 606 (Utah Ct. App. 1995). *Brown v. Board of Adjustment*, 957 P.2d 207 (Utah Ct. App. 1998),

Third, Utah Code 10-9a-306 which read as follows:

Land use authority requirements -- Nature of land use decision.

- (1) A land use authority shall apply the plain language of land use regulations.
- (2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
- (3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

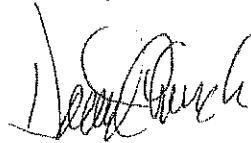
Based on these general principles of law it is my opinion is that the application to build a lodge and cabins/casitas available for nightly rental as part of the golf course development is a permitted use under Coalville City's land use code and should not be counted against the allowed density for dwellings in that zone.

I base this conclusion on the following. First your agricultural zone allows recreational facilities such as golf courses as a permitted use. Second recreational facility is defined in your code to include "support facilities" customarily associated with the recreation facility. Support Facilities does not appear to be a defined term in your code. Any ambiguity as to what is a support facility is for a high end private golf course will have to be interpreted in favor of the applicant. Therefore the building of a lodge and cabin/casitas for the use of the members of the golf course and their guests must be considered a permitted use unless there is a specific code section that prohibits that activity and use. I did not find any such prohibition in your code.

This opinion is based on the following assumptions and representations. First the lodge and cabin/casitas must be on the same parcel with the golf course and be owned by the same owner and remain so into the future. Their use must be inextricably linked to the use of the recreation facility. Second, the members and guest of the golf facility may not establish permanent residency in these facilities and third, the lodge and cabin/casitas cannot be opened to public nightly rental not associated with the use of the recreation facility.

Please let me know if this does not address your requested opinion.

Sincerely,

A handwritten signature in dark ink, appearing to read "David L. Church", written in a cursive style.

David L. Church
Attorney at Law

ATTACHMENT D

Nightly Rental Unit Comparison

Golf Resort Lodging and Nightly Rental Unit Comparison - Wohali MPD

	<u>Golf Resort</u>	<u>Location</u>	<u># Holes</u>	<u># Rental Units</u>	<u>Rental Units/18 Holes</u>	<u>Unit Types</u>
1	The Broadmoor	Colorado	36	784	392	Guest rooms, Suites, Cottages, Brownstones, Estate House, Private Wilderness Cabins
2	Arizona Biltmore	Arizona	36	740	370	1 and 2 bed Rooms, 1 and 2 bedroom suites
3	Fairmont Banff Springs	Canada	27	757	504	1 and 2 bed Rooms and Suites
4	Mountain Shadows Resort	Arizona	18*	216	216	Hotel, Studio, 1, 2 and 3 bedroom Casitas
5	Four Seasons Hualalai	Hawaii	18	249	249	Hotel Rooms, Suites, Villas
6	Punta Mita	Mexico	36	386	193	Rooms, Suites, Villas, (St. Regis and Four Seasons)
7	Palmetto Bluffs	South Carolina	18	218	218	Rooms, Suites and Cottages
8	The Legacy Golf Resort	Arizona	18	328	328	1, 2 and 3 bedroom suites
9	Sun Valley Resort	Idaho	27	348	232	Hotel, Studio, 1, 2, 3 and 4 bedrooms + 2-7 bedroom cottages
	Average				300	
	Wohali		27**	303	202	

* 18 hole par 3 short course

** Including 18 Championship course and 9 hole short course

ATTACHMENT E

Village Site Plan



WOHALI - VILLAGE PLAN

MAP DATE: JULY 2020

Plan is conceptual only and subject to change. This a preliminary plan meant to show the development possibilities of the project. Plans and design have not been finalized.



ATTACHMENT F

Wohali Wet Water Development Status

"Exhibit C"
Council 7/27/2020

From: Laurel Hirzel <lhirz@live.com>

Date: July 27, 2020 at 15:18:51 MDT

To: phil.geary@coalvillecity.org, cody.blonquist@coalvillecity.org, don.winters@coalvillecity.org, rodneyn.robbs@coalvillecity.org, tyler.rowser@coalvillecity.org

Subject: Public Hearing July 27,2020

I am unable to attend in person tonight and have asked the Mayor to read this letter during the public hearing portion of the meeting.

Thank you for your service,

Laurie

Council Members, Mayor and Staff,

I appreciate the opportunity to be able to have my voice heard in this public hearing even though I'm unable to attend in person.

My comments tonight are in regard to the emergency access for this development.

According to the MPD section 8-6.080, "Required Findings" it says, "The City Council shall make findings with evidence that supports the following conclusions to approve a master planned development." In section E it states, "The master planned development has a secondary point of access/emergency access or other mitigation satisfactory to the CITY COUNCIL and the fire district."

So Council I ask you, is the emergency access satisfactory to you? Have you been to the proposed secondary access point? Are you satisfied that in the event of an emergency situation people could safely evacuate throughout the year without prohibiting emergency equipment from being able to gain access?

This is just one of many examples of the responsibilities being placed on your shoulders before you give your approval.

If you still have questions or concerns about any portion of this project it is not only irresponsible, but also reckless to give your approval until these questions/concerns have been answered to your satisfaction.

According to the MPD you play a vital role- have you responsibly done all that is required given your positions?

Sincerely,

Laurie Hirzel

"Exhibit D"
Council 7/27/2020

From: Steve hirzel <steve.hirzel@icloud.com>
Sent: Monday, July 27, 2020 5:17 PM
To: cody.blonquist@coalvillecity.org; don.winters@coalvillecity.org;
rodney.robbs@coalvillecity.org; philip.geary@coalvillecity.org;
tyler.rowser@coalvillecity.org; trever.johnson@coalvillecity.org
Subject: Wohali - 27 Jul 2020

Dear Councilmembers,

I regret that I am unable to attend tonight's city council meeting, and felt obligated to provide this letter in lieu of a personal appearance. I did not want my absence to be misconstrued as apathy or approval, as some planning/council/staff have opined when citizens do not attend every meeting.

I respectfully request that a final decision on the new Wohali application not be made until the myriad issues with this new application as outlined by CFRG are adequately addressed.

Yes, this is a new application and is to be treated as such by your very own guidelines. The wish to treat this as if it has already met approval due to the first application is understandable, as this has been a fairly unpleasant process for all of us. But the desire to just get it over with is an abdication of your responsibility to thoroughly verify each and every part of this project. I certainly have not been satisfied with the answers given and urge you to seek dissenting opinions- water, land use, legal- and see if the opinions you have received up to this point bear the weight of scrutiny.

There really is no rush. I'm reminded of the saying I use when being pressured on any sale- "If it has to be now, it has to be no."

Thank you for your consideration.

Sincerely,
Steve Hirzel
271 Beacon Hill Drive
Coalville, UT



The Broadmoor Destination Resort ...
broadmoor.com

"Exhibit E"
Council 7/27/2020

THE
BROADMOOR



BOOK NOW

— EXPLORE —
THE RESORT

LEARN MORE

— EXPERIENCE —
WILDERNESS

LEARN MORE

— DISCOVER —
ADVENTURE

LEARN MORE

THE BROADMOOR

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