



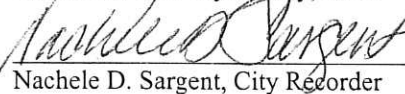
COALVILLE CITY PLANNING COMMISSION MEETING AND WORK SESSION NOTICE AND AGENDA

Notice is hereby given that the Coalville City Planning Commission will hold its Regular Meeting and a Work Session on **Monday, May 18, 2020** at the Coalville City Hall located at 10 North Main Street, Coalville Utah. The meeting will begin at **6:00 P.M.** **Due to the Covid-19 restrictions, this meeting site will only allow 6 individuals along with the Planning Commission Members, Staff, and Applicant Representatives for a total of 20 people.** Others may connect to the meeting using the Zoom meeting information listed below. The agenda will be as follows:

1. Roll Call
2. Pledge Of Allegiance
- Work Session Agenda:**
3. Continued Review And Discussion Of Parks, Trails, And Open Space Existing And Proposed Code Language And Mapping In Preparation For A Public Hearing
4. Continued Review And Discussion Of The New Wohali Existing Zoning, Permitted Use, MPD Application To Understand And Address Issues In Preparation For A Public Hearing
- Regular Meeting Agenda:**
5. Election of Chair and Vice Chair
6. Consultant Updates
7. Planning Commission Updates
8. Review and Possible Approval of Minutes
9. Adjournment

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

Dated this 15th day of May, 2020.


Nachele D. Sargent, City Recorder

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

Posted: May 15, 2020 City Hall, Coalville City Website, Utah State Public Notice Website

You are invited to a Zoom webinar.

When: May 18, 2020 06:00 PM Mountain Time (US and Canada)

Topic: Coalville City Planning Commission Meeting

Please click the link below to join the webinar:

[https://us02web.zoom.us/j/81744568676?](https://us02web.zoom.us/j/81744568676?pwd=ZktWcXBmekNWakR3TlVHUWFLejNqUT09)

[pwd=ZktWcXBmekNWakR3TlVHUWFLejNqUT09](https://us02web.zoom.us/j/81744568676?pwd=ZktWcXBmekNWakR3TlVHUWFLejNqUT09)

Password: 335739

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Coalville City Planning Commission
Regular Meeting & Work Session
HELD ON
May 18, 2020
IN THE
CITY HALL

Chair Linda Vernon called the meeting to order at 6:00 P.M.

PLANNING COMMISSION MEMBERS PRESENT: Chair: Linda Vernon
Commissioners:
Tonja Hanson, Tim Bristow,
Jeff White, Dusty France

CITY STAFF PRESENT:

Don Sargent, Consultant
Nachele Sargent, City Recorder

PUBLIC IN ATTENDANCE:

John Kaiser, Jim Boyden, Dave Boyden,
Eric Langvardt, Wade Budge, Louise
Willoughby, Margarita Richins,
Electronic Attendance: KPCW, Tom
Rees, Sheryl Rees, Jack Walkenhorst,
Camellia Robbins, Paula McGee,
Gretchen Klein, Lynn Wood, Polly
McClean

Item 1 – Roll Call:

A quorum was present.

Item 2 – Pledge of Allegiance:

Chair Linda Vernon led the Commissioners, Staff, and Public in the Pledge of Allegiance.

Work Session:

Item 3 – Continued Review And Discussion Of Parks, Trails, And Open Space Existing And Proposed Code Language And Mapping In Preparation For A Public Hearing:

Don Sargent stated this was a continued review for the parks, trails, and open space Code amendments. He referred to the Staff report (Exhibit A) and stated there were several locations in the Code that referred to these items and he had attempted to pull all of the

information into one location. Don and the Planning Commissioners discussed the Staff report including:

8-4-080, A: Should Commercial developments be required to provide park and recreational areas and facilities with comments that all should contribute whether it was Private or Commercial, it was more cumbersome for Commercial areas to fit in park and recreation areas, and the need to be careful that what was reserved for parks really contributed to the overall context of the Master Plan like extending a trail that may need to run through a designated area for connectivity and access.

8-4-080, A, 1: The need to determine and define ERU's for Commercial developments if included in the Code with comments that originally there was a Parks and Trails Impact Fee that was used to determine the park space required, but they would need to have some way to justify what they wanted to require now, having the calculation based on the square footage of the project, requiring a dedicated area from all land owners even if it was just for one lot with one home to continue a trail or other feature, needing a very detailed Master Plan with priorities and improvements to apply to all land owners, and the need for cost estimates for what it would cost to build and maintain certain types of trails and recreation areas to help determine what would be required.

The Master Plan for Parks, Trails, and Open Space would help to inform someone that was planning to do something with their property that the City had predetermined a trail to run through the property and parks and open space would also be designated so they would be aware when planning their specific project. The Master Plan would make it so everything didn't have to be spelled out in detail or specified in the Code. It would be the overriding document. Chair Linda Vernon stated she would like the ledges area to be designated on the Master Plan.

8-4-080, B, 2: Don referred to the current design standards and stated they were listed as part of the General Plan and hadn't been adhered to in the past as strictly as they should have been. He stated that was another example of why it would be good to have everything in one place in the Code.

8-4-080, C: Don stated Open Space considerations were also listed in the General Plan. He stated a lot of that information had been taken care of with the Sensitive Lands portion of the Code. Open Space would be required to be deed restricted land that was left natural, undeveloped, or unimproved except for recreational areas for public or private use. Secondary Open Space would be part of someone's lot that could be built on or improved even though it was privately owned. Open Space didn't necessarily mean public access.

Don Sargent stated he would continue to work on the Code amendments and bring it back for review. He stated he hoped they would be able to meet around a table and look at a larger map to understand what had already been listed and what areas needed to be considered for trails and parks. Chair Linda Vernon stated the NS Recreation Park needed to be designated on the map too. The Commissioners also discussed having a fee for the City to be able to purchase property for recreation opportunities, the need to look beyond

the City limits to connect to property that may one day be annexed into the City, and looking at property and opportunities across the Freeway.

Item 4 – Continued Review And Discussion Of The New Wohali Existing Zone, Permitted Use, MPD Application To Understand And Address Issues In Preparation For A Public Hearing:

Don Sargent explained this was a continuation of the discussion started at the last meeting in February. He updated the Commissioners that the first application for Wohali Partners LLC had been withdrawn and they would be focusing on the second application. He stated the City Staff had issued an excavation and building permit for the Golf Course and landscaping and irrigation within the limits of disturbance, not offsite, and so a water source hasn't determined or approved. Don stated an Appeal was filed by the Citizen group and heard at the Council meeting on May 11, 2020. The Council denied the Appeal and upheld the Staff approved permits. Don stated the Golf Course was still part of the second application and there was more to the approval process than just the grading portion. He stated the Applicant was aware they were proceeding at their own risk and the grading and building permit did not guarantee them development rights. Don referred to the Staff report (Exhibit B) and stated the Applicant was proposing a permitted use review combined with a Master Planned Development and the biggest question for this Application was the proposed 303 nightly rentals. He stated they were very difficult to verify with almost zero provisions for them in the Code. He stated he had gone through the Code and listed some points (Exhibit C) for review with the Commissioners. Don stated the City currently only required a business license for rental units and it didn't matter what Zone it was located in. He stated at this point he didn't have a clear recommendation for the Planning Commissioners and asked for direction on how they would interpret the Code to address nightly rentals. He stated the questions of whether nightly rental units would be allowed with this proposal and then how many would be allowed needed to be determined. He stated they would be individual rentals, but it hadn't been determined how many bedrooms each one would have.

Eric Langvardt stated the nightly rentals would be a variety of units. He stated the industry standard was not just one hotel. It was units run through the hotel in all different sizes correlated in the Village concept. He gave the example of renting a house that would sleep 10 people, but it was rented through the Montage Hotel. He stated the nightly rentals would be located within the golf course area, but all of them would not necessarily be located directly on the Golf Course. They would also be located around the Spa or other resort support facilities. The Commissioners questioned if the 125 residential lots could have accessory dwellings as nightly rentals. Don stated they could build a mother-in-law type unit up to 1,000 square feet. Eric Langvardt stated the nightly rentals were part of the support facilities for the Golf Course. He stated these units would not impact the schools

with additional students or be a primary residence. He stated they wouldn't be attached residential units like a Town Home. He stated there would be 303 keys, but one might be a three-bedroom unit and one might be a two-bedroom suite in a lodge. He stated there wouldn't be a three-bedroom unit with three different keys. He stated it would be just like going to a hotel on vacation. It would be a resort destination. It was about getting the critical mass for the Resort. Eric stated not everyone that went there would have to play golf. They could take advantage of the Spa and trails, etc. The Applicant and Commissioners discussed the examples provided of Victory Ranch, Red Ledges, and Promontory. Eric Langvardt stated any reservation for the units would be managed through a centralized, controlled environment. Commissioner Dusty France debated the use and type of the structure and stated when discussing insurance, it was defined as long-term, short-term, and nightly and it was determined by its use. Eric stated it was different with their proposed nightly rentals. They would not be Primary or Permanent residences. They would be a commercial rental unit. Commissioner Tonja Hanson gave the examples of Stein's and Hotel Park City and how they had units. Commissioner Dusty France stated he felt they would be a structure and would have to be counted as density. If you add the 125 residential units to the 303 nightly rentals, it would exceed the density allowed. Eric Langvardt stated nightly rentals were approved with the previous application and they weren't calculated as a density unit. He stated the difference was they would be limited on how long they could stay there. There could never be permanent residency at these locations. Chair Linda Vernon stated the precedent for nightly rentals had already been set, but the question was how many would be allowed for this project. She stated they had around 23% with the first application and they could consider looking at the percentage to decide how many would be allowed. Wade Budge stated the 125 residential units could be taxed Primary or Secondary depending on if someone established residency. The nightly rentals were support facilities for the Golf Course and would be considered Commercial. He stated no one would be able to establish residency with a nightly rental. They were strictly a commercial use. The people using them would be members or guests of members. Mr. Budge stated the 125 residential lots were density units that were tied to the Zoning district. He stated the Code stated a dwelling did not include hotel, motel, lodge or nursing home rooms. He stated that was what they had with this proposal. The nightly rentals would be a support facility for the Golf Course. Commissioner Dusty France stated it was still a house with a kitchen, bathroom, living and sleeping areas. He questioned how a nightly rental would be built differently than a house structure. Wade Budge stated it wouldn't be built any different than the clubhouse or maintenance building. That would be part of the construction or building Code. This would not be a place where you could get your mail or personalize the building. He stated there were a lot of benefits associated with the commercial nightly rental because you wouldn't have the risk of a bunch of different owners. It would be one owner/operator. They were not a dwelling, family home or multi-family home. Wade Budge stated he would supply a written response to the letter the Planning Commissioners received from Polly McClean,

Attorney for CFRG. He informed the Commissioners they had decided not to push the referendum. He stated they were trying to enter a new environment to have a more cooperative interaction while going through the process. Chair Linda Vernon stated this was a different application, but one of her main concerns was that there wasn't any water being brought to the table with this application. Wade Budge agreed and stated the last project brought all of the benefits. Now, they were not asking for anything extra and would just be following the Code. He stated before, they were asking for performance Zoning which had to be done legislatively by the Council. He stated water was an ongoing thing and they were having discussions with their Engineers, with the JUB Engineers, and the City Staff. He stated they would continue those discussions, but right now they were just continuing in the same context as any other landowner who was already in the City. Chair Linda Vernon stated the Commissioners needed to focus on a recommendation for what should be approved for nightly rentals. Don Sargent stated the Code didn't say whether a nightly rental was a density unit or not. He stated support uses were allowed in the Code. He stated what needed to be decided was how the nightly rentals fit into the support facility, how many would be allowed, and what the basis was for the number decided. The Commissioners, Staff, and Applicant continued the discussion including the need to change the Code to address nightly rentals for future projects, the Golf Course was not a Golf Resort, the previous approval was 570/130, using the percentage from the previous approval as a basis for approval for this application, all of the previous benefits had been pulled off the table, the Developer has the opportunity to justify the number requested, the offer to drill water wells at their expense and add to the stability of the current water system was gone and now the City would have to provide the water for the development as an approved permitted use, the City would have to provide secondary water, a current property would be able to pay a "fee in lieu" of having a water right for secondary water, there were requirements that current property owners had to meet to connect to the secondary water system, and a current subdivision would have to provide water rights or pay a "fee in lieu" of having water rights. Chair Linda Vernon stated she didn't think they were ready to hold a public hearing on this issue because there were a lot of aspects of the application that hadn't been discussed yet. Don Sargent stated they had basically reviewed everything with the previous application. He stated the outstanding issue was the nightly rental questions. Commissioner Tonja Hanson stated she would like to support the project, but was uncomfortable with just pulling a number out of a hat for the nightly rentals. She stated the Applicant needed to bring something to the table to support their request. She stated she had been in the resort business for a long time and every golf course had the lodging rental component and so she understood the nightly rental request to make the golf course viable. She stated the Applicant needed to supply more comparables to justify the number of nightly rentals that was more than just reaching their critical mass. Don Sargent gave the suggestions of the Applicant offering additional water to the City or having the 125 residential units transfer their accessory dwelling units use rights toward the nightly rentals. Commissioner Dusty France stated they didn't want

to see the golf course fail because that would be a negative impact on the City. He stated a Golf Course and a Golf Resort were two separate things and there was a difference for what it took to support the Golf Course. The Commissioners agreed there needed to be some type of a basis, calculation, or compromise to determine the number of nightly rentals. The Applicant and the Commissioners agreed to think over the options.

Regular Meeting:

Item 5 – Election Of Chair And Vice Chair:

The Commissioners discussed the new option in the Planning By-laws of being able to be Planning Chair for two consecutive years. Commissioner Tonja Hanson stated she would like Linda Vernon to continue being the Chair.

A motion was made by Commissioner Jeff White to nominate Linda Vernon as the Chair and Tonja Hanson as the Vice Chair for the 2020-2021 year. Commissioner Tim Bristow seconded the motion. All Ayes. Motion Carried.

Roll Call:

**Commissioner Bristow – Aye
Commissioner France – Aye
Commissioner Hanson – Aye
Commissioner White – Aye
Chair Vernon – Aye**

Item 6 – Consultant Updates:

Don Sargent stated he was working on a Code update that would apply to rental units. He stated he was also working on an update for an Administrative Law Judge that would oversee all of the enforcement issues in the City. He stated the Parks, Trails, and Open Space Master Plan was still the top priority.

Item 7 – Planning Commission Updates:

The Commissioners discussed the type of forum for the next meeting and for a public hearing. Don Sargent suggested having the same type of meeting as tonight. He stated hopefully when a public hearing was scheduled, there would be new Covid-19 guidelines in place to allow more public to attend. He stated if not, they could set up some type of Zoom meeting. Don stated Summit County was going to hold a Zoom public hearing next week and if it worked out okay, we could follow what they did for their meeting.

Item 8 – Review And Possible Approval Of Minutes:

The Commissioners reviewed the minutes of the February 18, 2020 meeting.

A motion was made by Commissioner Jeff White to approve the minutes of February 18, 2020 as amended. Commissioner Dusty France seconded the motion. All Ayes. Motion Carried.

Item 9 – Adjournment:

A motion was made by Commissioner Tim Bristow to adjourn the meeting. Commissioner Jeff White seconded the motion. All ayes. Motion Carried.

The meeting adjourned at 8:47 P.M.

Chair Linda Vernon

Attest:

Nachele D. Sargent, City Recorder



"Exhibit A"
Planning
5/18/2020

Staff Report

Coalville City
Project Coordinator

To: Coalville City Planning Commission
 From: Don Sargent, City Project Coordinator
 Date of Meeting: May 18, 2020
 Re: Development Code Amendments - Parks, Trails and Open Space
 Action: **Continued** Work Session

Parks, Trails and Open Space Review and Discussion

REQUEST

The purpose of this work session is to continue the review and discussion of proposed update amendments to the parks, trails, and open space language in the development code and associated mapping.

This item is scheduled for work session only (public comment will be taken at a future noticed public hearing). No action on the amendments is requested at this time.

BACKGROUND

On January 21, 20120 the Planning Commission reviewed the existing Parks, Trails and Open Space provisions of the City and directed Staff to prepare initial update amendments for further discussion.

The item was schedule for an additional work session in February but was continued due to a lengthy meeting. The item was rescheduled for a work session in March but was cancelled due to COVID-19 restrictions.

Attachment A includes the initial draft of the amendments for review with the existing language and associated mapping for reference.

The existing language and mapping include the following:

- A. Development Code Sections:
 - 8-4-080
 - 8-4-100
 - 8-6-060 (new MPD Requirements)
- B. General Plan:
 - Parks, Open Space and Environment Element
- C. Parks, Trails and Open Space Master Plan (2009)
- D. Zoning Map (2019)
- E. Annexation Declaration Boundary Map (2019)

ANALYSIS

Staff has prepared initial proposed language amendments for review and consideration. In addition, Staff will provide a larger hard copy of the mapping for review and discussion with the Planning Commission at the work session. Based on the discussion with the planning commission, staff will continue to refine the language and mapping amendments.

RECOMMENDATION

Staff recommends the Planning Commission review and discuss the proposed Park, Trails and Open Space amendments and possible mapping revisions for further refinements in preparation for public input and comment at a subsequent public hearing.

ATTACHMENT

- A.** Draft Code Amendments with Existing Language and Mapping

ATTACHMENT A

Draft Development Code Amendment Language
Existing Code Provisions
Existing Mapping

DRAFT 02/18/20

8-4-080: PARKS, TRAILS and OPEN LAND: SIDEWALKS, CURBS, TRAILS, AND PATHS:

All required parks, trails/sidewalks and open land are subject to approval of the City consistent with the Coalville City Parks, Trails and Open Space Master Plan and the applicable Coalville City Engineering Standards and Construction Specifications, incorporated herein by reference.

Commented [DS1]: This Section 8-4-080 replaces in their entirety existing Sections 8-4-080 and 8-4-100 of the development code.

A. Parks. All subdivisions, master planned developments and commercial developments require land to be reserved, and improvements installed for parks and playgrounds or other recreation purposes in locations identified in the Coalville City Parks, Trails and Open Space Master Plan. Each reservation shall be of suitable size, dimension, topography, and general character, have adequate access, and benefit the development and surrounding residents. The area shall be shown on the subdivision plat or development site plan. The developer may also be required to install improvements to the recreation areas which directly benefit the development. All improvements shall be built to City specifications.

Commented [DS2]: Should commercial developments be required to provide park and recreational areas and facilities?

1. Required Park Area. The number of acres to be reserved using level of service standard of five (5) acres per one thousand residents or typically five (5) acres per two hundred fifty (250) dwelling units or lots. This calculation equates to eight hundred seventy-one (871) square feet per single family dwelling unit or equivalent residential unit (ERU).
2. Dedication of Recreation Areas. The developer shall dedicate all recreation areas and facilities to the City as a condition of final subdivision plat or development site plan approval. If the applicant provides recreational facilities solely for the use of the residents of the development, the facilities shall be privately maintained by the development and not dedicated to the City.
3. Easement Area or Fee-in-Lieu of Provisions. In certain circumstances, such as property location, land characteristics, existing surrounding recreational areas and facilities, or other factors the City determines to be applicable, dedicated easement areas or payment of a fees-in-lieu may be preferable to on-site land reservations for parks and recreational facilities.
4. Minimum Size of Park Areas and Recreational Facilities. In general, land reserved for recreation purposes shall have an area of at least one (1) acre. When the proposed area would create less than one acre, the City may require that the recreation area be located at a

Commented [DS3]: Need to determine and define ERU for commercial developments, if included.

Commented [DS4]: Need to determine payment amount for fee-in-lieu

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suitable place on the edge of the development so that additional land may be added at the time adjacent land is developed, in no case shall an area of less than one quarter (1/4) acre be reserved for recreation purposes. This smaller amount will be accepted only when it is on the edge of the subdivision or when the City determines that the reduced size will result in a functional and usable recreation site.

5. Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, trails or for other recreational purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards. Such improvements shall be included in the performance guarantee for the development. All land to be reserved for dedication to the City for park and recreational purposes shall be approved by the City Council.
6. Additional Recreational Areas or Open Space Reserved. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving land for recreational or open space purposes in addition to the requirements of this section.

B. Trails and Sidewalks. Trails and sidewalks shall promote the expansion of the Coalville City trail and sidewalk network as illustrated on the City Parks, Trails and Open Space Master Plan. All subdivisions, master planned developments and commercial developments shall be designed with trail or sidewalk linkages to the Chalk Creek Corridor, Rails-to-Trail, and Historic Main Street trail and sidewalk systems. An impact analysis shall be prepared by the developer addressing existing and future trail and sidewalk needs and opportunities.

1. Location. Trails and sidewalks are to be located as shown on the trails master plan and shall provide a link to schools, recreation facilities, Historic Main Street, parks, other development areas and significant natural features. In most cases trails separated from the road right of way are preferable. Sidewalks shall be located within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the City. Preferably the sidewalks should be separated from the travel lane by a park strip.

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2. Design Standards. Trails shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer consistent with the City Trails Master Plan as determined through the project review process.
 3. Construction Standards. Trails and sidewalks shall be built to City standards and specifications. Easements shall be dedicated for trails. Trails and sidewalks shall be constructed at the time of road construction, unless the City determines otherwise through the development review process, in which performance security shall be required pursuant to the Code for all trail and sidewalk improvements. Sidewalks shall be constructed of concrete at least four (4) inches thick, and six (6) inches thick through driveway approaches, and not less than five (5) feet in width.
- C. Open Land.** All Master Planned Developments (MPD), as set-forth in Title 8-6 shall provide and deed restrict open land that is left natural, undeveloped or unimproved (except recreational areas) for public or private purposes. A base percentage amount of deed restricted open land is required for development within each zone district in accordance with Section 8-6-060:B of the Code.

Commented [D55]: Detailed design standards such as trail types, width and surface treatments need to be identified. (Examples will be presented at the work-session)

DRAFT 02/18/20**8-4-080: SIDEWALKS, CURBS, TRAILS, AND PATHS:**

Commented [DS1]: This existing Subsection 8-4-080 is incorporated into the proposed Subsection 8-4-080.

A. Location

Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right-of-way may be preferable. Concrete curbs are required for all roads where sidewalks are required by these regulations and run along roads or where required at the discretion of the Planning Commission.

B. Improvements

Sidewalks shall be constructed of concrete at least four (4) inches thick, six (5) inches thick through driveway approaches, and not less than five (5) feet wide and shall be designed to best facilitate their assumed use and serve the public interest and safety.

C. Trails and Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer as determined by the Planning Commission. Trails should provide a link to schools, recreation facilities, commercial areas, parks, other development areas and significant natural features. Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to this Code for the trail improvements.

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8-4-100: PARKS, PLAYGROUNDS, RECREATION AREAS, AND OTHER PUBLIC USES:

The Planning Commission in its review of each development, may require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations identified in the General Plan and Recreation Element or other areas where such reservations would be appropriate and would benefit the development and surrounding residents. Each reservation shall be of suitable size, dimension, topography, and general character and have adequate access for the particular purposes envisioned by the Planning Commission. The area shall be shown on the Final Plat. The developer may also be required to install improvements to the recreation areas which directly benefit the development. These improvements shall be built to City specifications.

Commented [DS6]: This Subsection 8-4-100 is incorporated into Subsection 8-4-080.

A. Required Park Area.

Recreation areas shall be consistent with the Recreation Element unless the applicant desires to construct recreational facilities for the residents of the development. If the applicant is developing an area which contains areas designated for public facilities according to the Recreation Element, the applicant may donate land and construct facilities in place of Impact Fees. The Planning Commission shall determine the number of acres to be reserved using the adopted level of service standard of the Coalville City Impact Fee Ordinance of five (5) acres per one thousand (1000) residents or typically five (6) acres per two hundred fifty (250) dwelling units or lots. This calculation equates to eight hundred seventy-one (871) square feet per single family dwelling unit. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications. The developer shall dedicate all such recreation areas and facilities to the City as a condition of final subdivision plat or development site plan approval. If the applicant chooses to provide recreational facilities to the residents of the development, the applicant may be entitled to a credit against the Parks and Recreation Impact Fee.

B. Minimum Size of Park and Playground Reservations.

In general, land reserved for recreation purposes shall have an area of at least one (1) acre. When the proposed area would create less than one acre, the Planning Commission may require that the recreation area be located at a suitable place on the edge of the development so that additional land may be added at the time adjacent land is developed, in no case shall an area of less than one quarter (1/4) acre be reserved for recreation purposes. This smaller amount will be accepted only when it is on the edge of the subdivision or when the Staff and Planning Commission determine that the reduced size will result in a functional and usable recreation site.

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C. Recreation Sites.

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, trail or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards required by the Planning Commission, which improvements shall be included in the performance guarantee. All land to be reserved for dedication to the City for park and recreational purposes shall be approved by the City Council and shown on the Final Plat.

D. Open Space Created by Clustering Not Included in Calculations.

Any open space created by clustering Units shall not be included in the calculator's for impact fee credits or recreation space required. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

E. Other Public Uses.

Except when an applicant utilizes a Master Planned Development concept in which land is set aside by the developer as required by this Code, when a tract to be developed includes a school, recreation uses, or other public use the space shall be suitably incorporated by the applicant into the Final Development Plan.

The Planning Commission shall refer the Final Development Plan to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days to reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition. Upon receipt of an affirmative report, the Planning Commission shall notify the property owner.

8-4.110100: PRESERVATION OF NATURAL FEATURES AND AMENITIES:**8-4.120110: INFILL AND FLAG LOT DEVELOPMENT IN RESIDENTIAL AND COMMERCIAL ZONES:**

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.



Parks, Open Space and Environment

Coalville City 2012 General Plan

Parks, Open Space and Environment Goals, Objectives, and Policies

Goal #1 "Provide facilities and opportunities in the community for a balanced recreational program of physical and cultural activities for the residents of Coalville City"

Objective 1

"Maintain the master recreation plan for the city which identifies the current and future parks and recreational facilities to accommodate the existing and future growth of the community . "

POLICY 1: Coordinate and participate with Summit County and North Summit School District for cooperation of recreational planning within Coalville City particularly with the planning and development of the county fairgrounds and recreation complex and joint use facilities.

POLICY 2: Ensure that City parks, buildings, land and recreational facilities are useful and attractive.

POLICY 3: Park and recreational facilities should be planned and designed to meet their proposed purpose and contribute to the design theme of the community.

POLICY 4: Apply the park area standards of the Development Code to new development applications as a condition of final approval to obtain park areas and recreational sites to accommodate new growth.

POLICY 5: Maintain a Capital Improvements Program (CIP) which incorporates a funding program for the construction of improvements to the City's recreational system.

POLICY 6: Identify, pursue and utilize all funding sources and development techniques that are available for park acquisition and development.

POLICY 7: Promote and solicit the donation of land, recreation and park equipment by private and corporate organizations and recognize their support.

POLICY 8: Protect park and recreation areas from incompatible developments and uses on adjacent properties.



Parks, Open Space and Environment

Coalville City 2012 General Plan

Goal #3 "Multiple-use trail and sidewalk systems should be expanded and constructed, particularly along the Chalk Creek Corridor, Rails-to-Trail, Main Street and within new developments."

Objective 1

"Trail systems are an important alternative form of transportation and should be planned for Coalville City as part of a trails master plan."

POLICY 1: A Chalk Creek corridor trail should be identified and planned for as a part of this general plan. This trail should tie into the existing Rails-to-Trail and main street sidewalk system.

POLICY 2: All future major developments shall be planned with trail linkages to the Chalk Creek Corridor, Rails-to-Trail, and Main Street Sidewalk System.

POLICY 3: All new development will conduct pedestrian impact analysis studies and design and construct trail infrastructure to meet residents needs.



Parks, Open Space and Environment Element

Coalville City 2012 General Plan

What does this element do?

The parks, open space and environment element is in place to help create parks, preserve open spaces, and protect the natural terrain from hazardous conditions for the enjoyment and safety of the citizens of Coalville. An open atmosphere has always been an identifying characteristic of Coalville. It has perhaps been the primary factor that has drawn people to the area. A feeling of openness can continue amid residential and other development through the establishment of parks, trails and open space areas. It is the city's desire to build a sufficient network of parks and open space, connected by a trail system that will contribute to the healthy, active lifestyles of the residents while also contributing to maintaining the historical feeling of openness.

Parks, Open Space, and Environment Vision

Coalville will be a well-planned, small-town community with park facilities to meet the needs of a growing populace. It will have trails that connect the neighborhoods of the city to regional trail systems, and the preservation of open spaces that will ensure the continuance of our unique natural setting. The planned parks and open space will:

- Provide for adequate park facilities for current and future residents of Coalville.
- Create a trail system throughout the city that provides access to parks, open spaces, commercial and civic properties.
- Preserve essential natural features while accommodating residential development.
- Mitigate natural hazards.

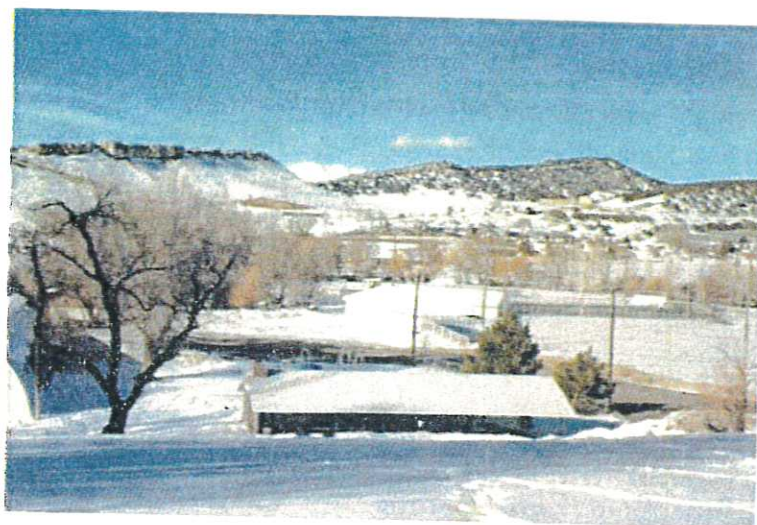


Parks, Open Space and Environment

Coalville City 2012 General Plan

Parks

Park space is an essential element of the quality of life for every community. Throughout the planning process, the need to improve, expand, and enhance park facilities has proven to be a high priority by both city officials and the public. There are approximately 21.3 acres of parks with additional land that can be improved. Much of which is owned by Summit County. As growth occurs city leaders will work to provide a wide variety of park facilities, while balancing community funds and resources. Coordination with the County and North Summit Recreation District will be essential to success.



The North Summit County Recreation District is currently exploring the option of building a new recreation center to serve the area. Coalville is the likely location for such a facility and will work closely with the district and county to ensure the recreational needs of citizens are met in a responsible manner.

Due to its size and location, Coalville has always been a hub of activity and recreation to North Summit County. Good transportation facilities, access to services and proximity to Echo Reservoir and other opportunities draw visitors on a regular basis. Moving forward, the city should maximize these opportunities by promoting the expansion and enhancement of recreational facilities and the services provided within the community.





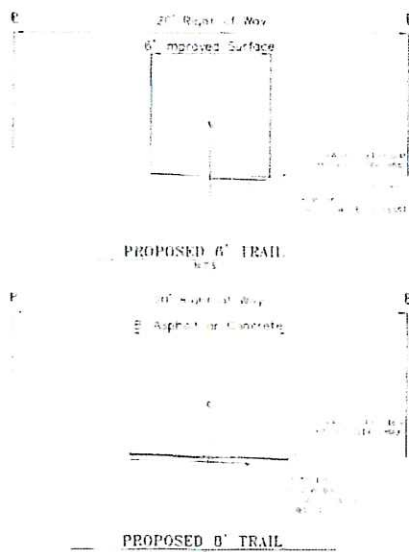
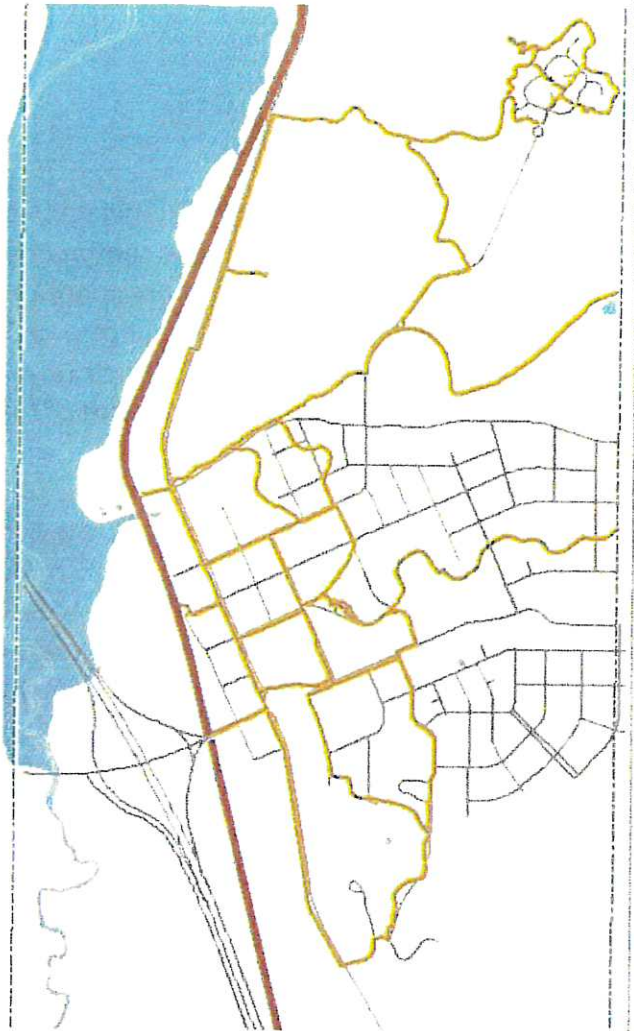
Parks, Open Space and Environment

Coalville City 2012 General Plan

Trails

City residents have expressed a strong interest in developing trails throughout the community as a valuable amenity for recreation and transportation. Trails along roads, waterways, hillsides, and canals offer residents and visitors, walkers, runners, cyclists, and equestrians safe routes for exercise and transportation separate from the ever-increasing amount of vehicular traffic on local streets.

As more of the city is developed, opportunities for providing continuous inter-connected trail corridors are diminished. For this reason, the city has developed a Master Trails Plan and Trail Design Standards to address the issue of trail development by making it a required step in the land planning process, before available trail corridors are lost. The city is committed to making trail development an integral part of ongoing planning reviews, to provide a valued community amenity.





Parks, Open Space and Environment

Coalville City 2012 General Plan

Open Space

Coalville is characterized by valuable open space resources that contribute to the community's character and overall quality of life. While residents expect that real estate development will occur as population increases, they would like to see their rural heritage conserved for the enjoyment of future generations.

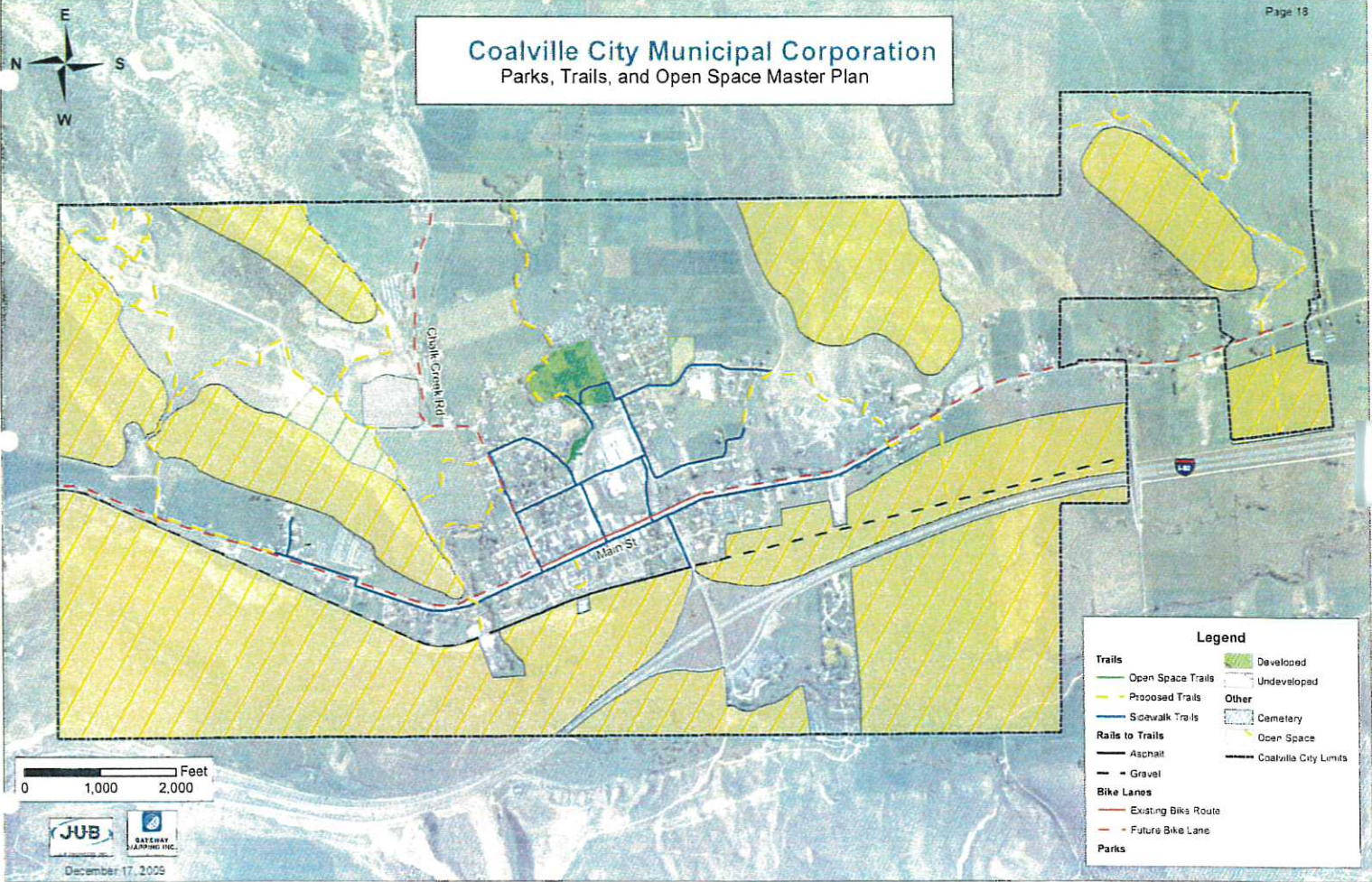


It is often difficult for cities to provide a clear definition of open space, yet one is necessary to achieve the goals of Coalville and its residents. In many cases these lands are unfit for development. As development occurs, the city will work with land owners to conserve these valuable spaces while creating beautiful, well planned places to live, work and play. The overriding, guiding consideration should be on preserving and enhancing the natural resources and environment whenever possible and carefully integrating man's works with nature.

Prime Areas for Open Space Preservation

Water quality areas (watershed and well protection areas, springs, drainages, streams)
Slopes 20% ^{15%} or greater
Ridge lines
Known geologic hazards (faults, landslide areas, avalanche zones, etc.)
High value or critical wildlife habitat areas and corridors
Public lands
Significant rural/mountain viewsheds,
Community/recreational facilities and trails
Future recreational locations should be identified on the city's park/open space map
Areas of rich vegetation/large trees
Agricultural lands, including farms/ranches, and their prime soil areas and fields
Ancillary agricultural facilities and corridors (canals/ditches, herding corridors, etc.)
Access points to lands historically used for providing access to public lands
Existing open space within developed areas
Intercommunity corridors and buffers

Coalville City Municipal Corporation Parks, Trails, and Open Space Master Plan



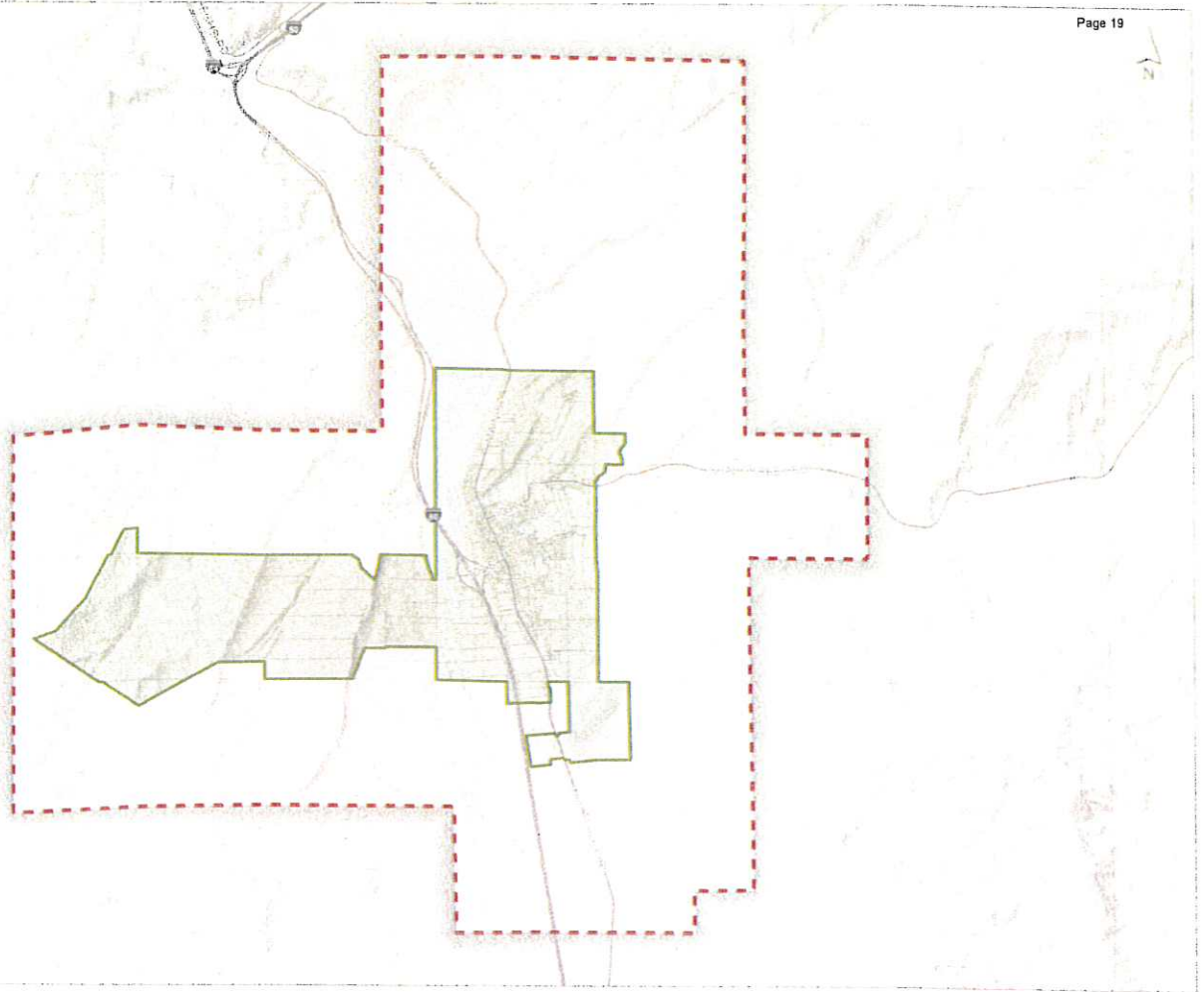
Annexation Declaration Boundary

Coalville City, UT

January 2019

- Annexation Declaration Boundary
- Coalville City

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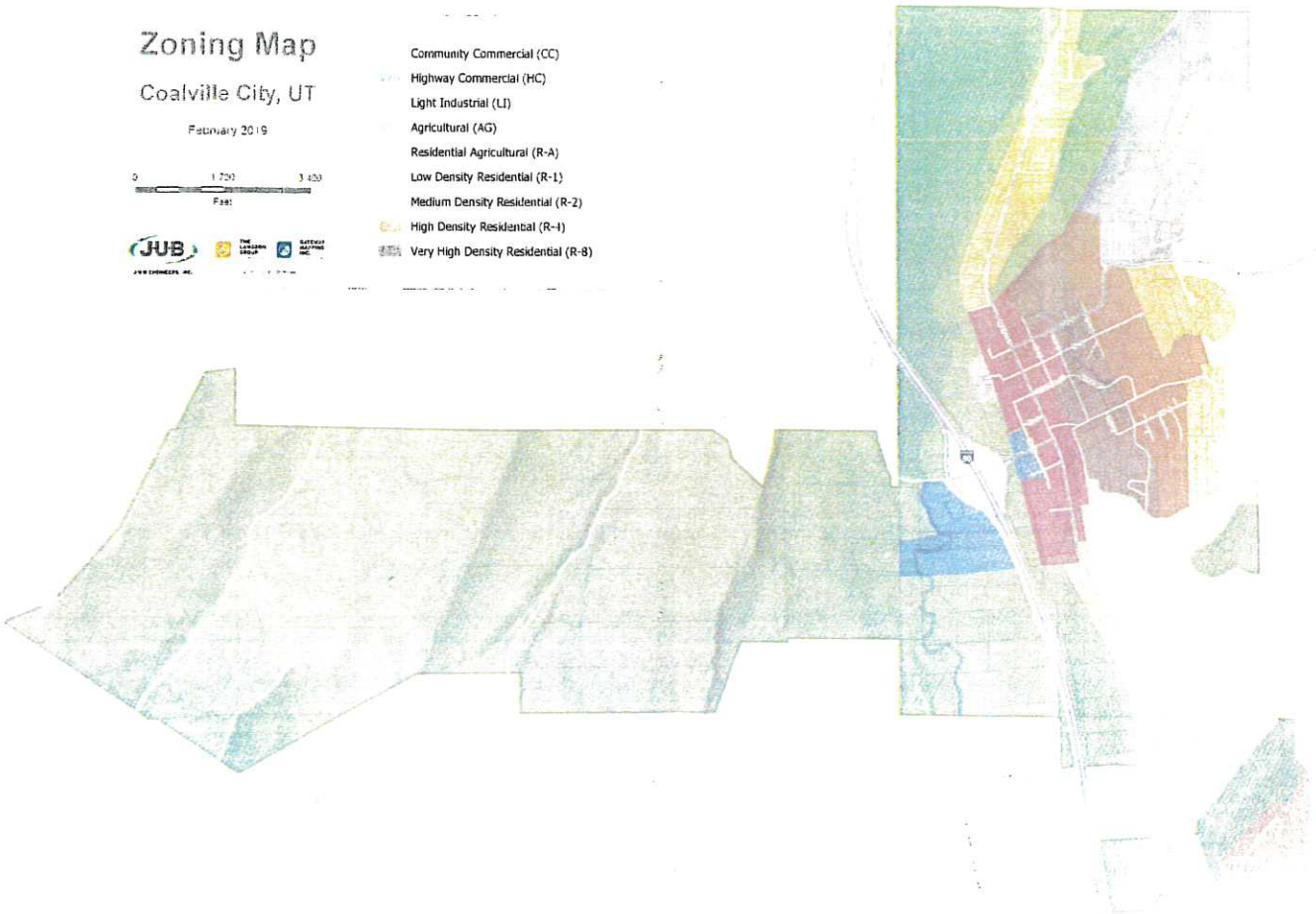
Zoning Map

Coalville City, UT

February 2019



- Community Commercial (CC)
- Highway Commercial (HC)
- Light Industrial (LI)
- Agricultural (AG)
- Residential Agricultural (R-A)
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-4)
- Very High Density Residential (R-8)





"Exhibit B"
Planning
5/18/2020

Staff Report

Coalville City
Project Coordinator

To: Coalville City Planning Commission
From: Don Sargent, City Project Coordinator
Date of Meeting: May 18, 2020
Re: Wohali Development Existing Zoning, Permitted Use, MPD Application
Continued Review and Discussion
Action: Work Session

Wohali Existing Zoning, Permitted Use and MPD

REQUEST

The purpose of this work session is to continue the review and discuss the new proposed Wohali Development application, particularly addressing the proposed nightly rental units.

The project site is comprised of 1,664.04 acres and is proposed as a rural golf resort community. This item is scheduled for a continued work session only (public comment will be taken at a future noticed public hearing). No action on the application is requested at this time.

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) detached nightly rental units.
3. Master Planned Development (MPD) including deed restricted open space, residential lots, resort nightly rental units, resort amenities 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 use for the property. The 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 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.

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/klngcb7spmlzjhh/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 for the previous MPD and Rezone application:

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

ANALYSIS

At the initial work session on February 18, 2020, Staff and the Planning Commission focused their discussion on the proposed nightly rental units. Following the work session Staff requested the applicant to provide the following information for review and discussion with the Planning Commission:

1. Justification for the critical mass represented at the last work session for the number of proposed nightly rental units.
2. Proposed secondary tax structure for both the single-family dwellings and nightly rental units.
3. Bullet-point analysis of how the nightly rental units are consistent with the development code and general plan as accessory uses or support facilities to a permitted recreational use (golf course) in the Agricultural (AG) Zone District.
4. Proposed recreational support amenity uses and facilities.
5. Identification and basis for all proposed considerations under the MPD provisions including density bonus, setbacks, building height, minimum lot size, etc.

Attachment A includes the applicant's responses to these informational items. This information was also included in the project file link.

Staff request input and direction from the Planning Commission on the nightly rental component of the project and other issues of the application in preparation for a public hearing.

For reference, the following is a summary of the analysis included in the Staff report from the previous work session on February 18, 2020:

Existing Zone and Permitted Use Submittal – Variations from Original Submittal

1. No Rezone request – applicant is applying under the Existing Zoning of AG (1 unit /20 Acres)
2. Added 138.34 acres of Wohali Partners Property east of the previous MPD application. This is all proposed as open space. Total application 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 maximum 50% Bonus density per MPD Ordinance.
5. Reduced Residential density from 570 to 125.
6. All 125 units will have potential for ADU's on each lot as allowed per Code.
7. Increased Nightly rentals from 130 to 303.
8. All density and nightly rentals are located in the east portion of the property except for one large parcel located west of the cliffs.
9. All Resort Amenities remain as proposed originally but with only Private Access for Resort members and guests.
10. Entry Cabin will be Gated.
11. All sewer and water services will be provided by Coalville City with Wohali paying for all necessary infrastructure to serve the development and all impact/hookup fees and usage fees. (Same as any project today in Coalville)
12. No culinary wells will be required to be provided.
13. Annual Fiscal impacts have been updated for the new and reduced proposal.

The primary issue regarding the new application is the number of nightly rental units being proposed by the applicant. The applicant has provided the following link to other rural resort developments that include nightly rentals as market examples for review and comparison with the proposed Wohali development:

<https://www.dropbox.com/sh/utr2d0fsx3beayi/AACWIOZWn3J2OfByyoFb85hXa?dl=0>

These folders include an aerial photo for each project and then either some web links to their products for rent or in the case of Promontory - a description of their resort units in their original development agreement. Each of these projects are resorts with a hotel/lodge or resort club component. They also have detached single family and multi-family products that are individually owned but are in the nightly rental market.

The applicants indicate they need a critical mass comprising the proposed 125 lots and 303 nightly rentals to get to a base of 428 members to support the golf course resort.

Total approved density and number of nightly rental units will be determined from an in-depth analysis of the property constraints, consideration of MPD provisions, mitigation measures provided, community benefits offered, and other factors.

The application is still in preliminary form and may require additional detailed review, evaluation and analysis as the project moves forward in the review process.

Staff is prepared to describe the proposed development and address concerns and questions of the Planning Commission at the work session. Also, as additional project information is provided by the applicant on the proposed development, Staff will review and evaluate the applicant's responses in detail and provide feedback and input to the Planning Commission.

RECOMMENDATION

Staff recommends the Planning Commission conduct a continued work session to review, discuss and address issues of proposed project with the Staff and the applicant. Depending on the outcome of the project review and discussion, the Planning Commission may either continue the work session to address additional issues or direct Staff to schedule a public hearing.

ATTACHMENT

A. Applicant's Responses to Informational Requests

ATTACHMENT A

Applicant's Responses to Informational Requests

Resort Comps Critical Mass

Golf Community	Project Acreage	Total Units*	Units*/Acre	Total Courses	Total Golf Memberships	Memberships/Course	Additional Notes
Tuhaye	1,250	900	0.72	1	900	900	Currently have 431 members
Victory Ranch	6,700	639	0.10	1	500	500	
Promontory	6,384	1,901	0.30	2	790	395	Expect 300-400 Social Memberships (no cap)
Red Ledges	2,000	1,210	0.61	1	450	450	Could add 50 additional memberships if desired Have additional 290 lifestyle memberships
Average	4083.5	1162.5	0.28	5	660	528	
Wohali (Proposed)	1,664	428	0.26	1	428	428	125 Residential, 303 Resort (nightly rental)

* Includes Residential and Resort Units

ANNUAL COMMUNITY BENEFIT* - FINANCIAL (125 Lots, 303 Nightly Rentals Units) WOHALI - COALVILLE, UTAH

ANNUAL PROPERTY TAX ESTIMATES

Key Beneficiaries	Project Build Out
Coalville City	\$ 1,014,634.35
North Summit School District	\$ 1,241,648.78
Utah Basic School Levy	\$ 482,983.20
North Summit Charter School Levy	\$ 158,816.03
North Summit Fire District	\$ 175,574.25

- SCHOOLS will receive over \$1.8 million dollars every year at project build out.
- The FIRE District will receive more than \$175,000K dollars every year at project build out.
- COALVILLE CITY will receive over \$1,000,000 dollars every year at project build out.

Projected totals exceed \$3 Million Annually for key beneficiaries

These funds are for each beneficiary to use at their discretion and are subject to change with each County Assessors property tax rate re-evaluation.

ANNUAL TRANSIENT ROOM TAX ESTIMATES - COALVILLE ONLY

Total Rental Units	303
Occupanct Rate	50%
Average Nightly Rental	\$400
Transient Room Tax Rate	1.00%
Transient Room Tax/YEAR	\$221,190

* Total Transient Room Tax = 4.32%. County: 3%, City: 1%, State: .32%

ANNUAL RENTAL UNIT SALES TAX ESTIMATES - COALVILLE ONLY

Total Rental Units	303
Occupanct Rate	50%
Average Nightly Rental	\$400
Rental Unit Sales Tax Rate	1.10%
Transient Room Tax/YEAR	\$243,309

*Coalville's 1.1% portion of the Combined Sales Tax of 7.15% includes .1% public transit tax.

Snell & Wilmer

LLP.

OFFICE MEMORANDUM

TO: Sheldon Smith,
Coalville City Attorney

FROM: Wade R. Budge
AJ Pepper

DATE: March 12, 2020

RE: Nightly Rentals as Support Facilities Customarily Associated with Golf Courses

This memorandum is in response to concerns expressed regarding Wohali Partner LLC's ("Wohali") pending application, specifically with respect to the open space and recreational facility provisions. The AG Zone includes "Recreation facilities or uses" as a Permitted Use. The definition of "Recreation, Facilities" explicitly allows for golf courses. The definition of "Recreation, Facilities" also allows for "support facilities customarily associated with the recreational facility."

In short, Wohali's application is pursuing permitted uses, both the golf course and supporting uses customarily associated with a golf course of renowned caliber. In fact, the proposed golf-course will be a world-class facility comparable to courses designed by famed golf-course architects. As such, the proposed golf course itself will provide a destination for golf-enthusiasts, and supporting facilities will be needed to accommodate recreation visitors.

Additionally, adequate maintenance and care of the proposed golf course and recreational amenities will require a "critical mass" of fee-paying club members, and a failure to obtain this critical mass will result in Wohali being unable to utilize its property for the permitted uses of recreational facilities and a golf course. To address this crucial need and accommodate golf-enthusiasts, recreational visitors and additional club members, Wohali's application anticipates providing nightly rental lodges (also known colloquially as casitas) which will be support facilities for the golf course.

This approach of providing memberships to support the golf course and recreational amenities is consistent with other comparable golf courses and recreational destinations of this type. Below are a number of market examples in Utah which follow the same critical mass membership strategy as contemplated in Wohali's pending application.

Golf Community	Project Acreage	Total Units + Nightly Rentals	Total Courses	Total Golf Memberships
Tuhaye	1,250	900	1	900
Victory Ranch	6,700	639	1	500
Promontory	6,384	1,901	2	790
Red Ledges	2,000	1,210	1	450
Average	4083.5	1162.5	1.25	660
Wohali	1,664	428	1	428

The Coalville City Code (“**Code**”) provides for the proposed nightly rental “lodges” and specifies that they are neither dwellings that require an allocation of density, nor are the lodges to be classified as hotels/motels. In fact, Coalville City has already confirmed this interpretation and approach pursuant to the existing project approvals which were granted on December 9, 2019. This interpretation and approach has been accepted by all stakeholders, and no one, including the petitioners under the current referendum, has challenged the prior interpretation. In other words, this approach is the same as the one that Coalville City has been following since the inception of the Wohali project.

This approach makes sense because the definition of “Hotel/Motel” is “a building containing sleeping rooms” and a “Hotel/Motel Room” is “a unit consisting of one room, without a kitchen” The proposed lodges are not hotel or motel rooms but rather will contain kitchens and will run to facilitate the recreational use. Furthermore, the definition of “Dwelling” specifically excludes lodges. The notion that Transient Room Tax is somehow determinative on this issue is also incorrect, as Transient Room Tax is applicable to nightly rentals irrespective of the use involved (e.g., Airbnb and VRBO renters are required to pay Transient Room Tax as well).

There also seems to be some confusion regarding the AG Zone purposes and the definition of “Open Space” as provided for in the Code. “Open Space” specifically includes three different types of Open Space: Open Space, Agricultural; Open Space, Landscaped; and Open Space, Natural. “Open Space, Landscaped” includes landscaped areas which may include “recreation amenities.” As noted above, Recreation, Facilities specifically includes golf courses. The golf course type of landscaped open space is clearly consistent with the zoning district and expressly listed in the Code. As noted in our application, the golf course is reserved as landscaped open space and the area reserved for the nightly rental lodges is not included in the total acreage of open space, all as consistent with the requirements of the Code.

Proposed Recreational Uses and Facilities

Recreational Uses (Permitted)	Permitted Uses Section 10-9-020	Notes
18 Hole Golf Course	23	Previously approved with Rezone Application
9 Hole Short Course	23	Previously approved with Rezone Application
Hiking/Running Trails	26	Previously approved with Rezone Application
Biking Trails	26	Previously approved with Rezone Application
Tennis	23	Previously approved with Rezone Application
Pickleball	23	Previously approved with Rezone Application
Platform Tennis	23	Previously approved with Rezone Application
Snowshoeing	18	Previously approved with Rezone Application
Skiing	18	Previously approved with Rezone Application
Cross country skiing	18	Previously approved with Rezone Application
Skeet Shooting Range	18	Previously approved with Rezone Application
Archery Range	18	Previously approved with Rezone Application
Sledding/tubing	18	Previously approved with Rezone Application
Horseback Riding	18	Previously approved with Rezone Application
Sleigh Rides (winter and summer)	18	Previously approved with Rezone Application
Fishing	18	Previously approved with Rezone Application
Canoeing/Stand up Paddleboard	18	Previously approved with Rezone Application
Camping/Glamping (yurts and tents)	18	Previously approved with Rezone Application
Swimming Pools and Spas	23	Previously approved with Rezone Application
All Faiths Chapel	7	Previously approved with Rezone Application
Splash Pad	18	Previously approved with Rezone Application
Accessory Dwelling Units (ADU's)	8	Previously approved with Rezone Application

Resort Use (Accessory Structures and Uses)	Permitted Uses Section 10-9-020	Notes
Golf Club	1	Previously approved with Rezone Application
Spa	1	Previously approved with Rezone Application
Lodge (Nightly Rentals)	1	Previously approved with Rezone Application
Golf Cabins (Nightly Rentals)	1	Previously approved with Rezone Application
Amphitheater	1	Previously approved with Rezone Application
Kids Cabin	1	Previously approved with Rezone Application
Café/Pub	1	Previously approved with Rezone Application
Entry Cabin	1	Previously approved with Rezone Application
Sales Center	1	Previously approved with Rezone Application
Maintenance Facility	1	Previously approved with Rezone Application
Workforce Housing	1	Previously approved with Rezone Application

Proposed MPD Provisions

MPD Provisions Utilized	Notes
Utilizing maximum 50% bonus density	Providing Open Space beyond base requirement
Minimum Lot size reduction	.10 acres as per MPD to provide clustering, open space, infrastructure efficiency, etc
Minimum Lot Frontage Reduction	As part of Lot size reduction
Minimum Setback reductions	As part of Lot size reduction
Utilizing Variable lot type provision	All Nightly rentals will be on Golf Course parcel
Building Height	45' as per MPD for club and lodge

"Exhibit C"
Planning
5/18/2020

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.*