



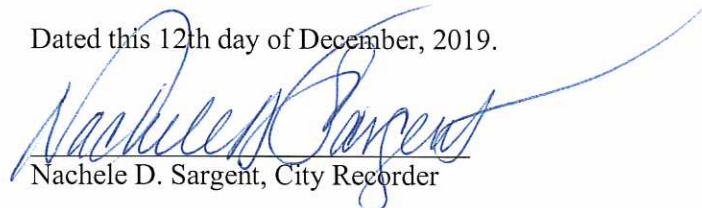
COALVILLE CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the Coalville City Council will hold a Special meeting on **Monday, December 16, 2019** at the Coalville City Hall, 10 North Main, Coalville, Utah. This meeting will begin at **6:00 P.M.** The agenda will be as follows:

1. Roll Call
2. Pledge Of Allegiance
3. City Council Agenda Items:
 - A. Review, Discussion And Possible Approval Of Findings Of Fact, Conclusions Of Law And Conditions Of Approval For The Wohali Master Planned Development, Property Rezone And Phase I Preliminary Plan. Ordinance 2019-8.
 - B. Legal Updates
 - C. Mayor Updates
 - D. 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 12th day of December, 2019.


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: December 12, 2019 City Hall, Coalville City Website, Utah Public Notice Website

Mayor

Trever Johnson

Council

Adrianne Anson
Cody Blonquist
Arlin Judd
Rodney Robbins
Tyler Rowser

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Coalville City Council
Special Meeting
HELD ON
December 16, 2019
IN THE
CITY HALL

Mayor Trever Johnson opened the meeting at 6:00 P.M.

COUNCIL PRESENT: Mayor Trever Johnson
Council: Arlin Judd, Tyler Rowser,
Rodney Robbins, Adrienne Anson
Cody Blonquist

CITY STAFF PRESENT:

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

PUBLIC IN ATTENDANCE:

Phil Geary, Don Winters, Lynn Wood, Jay
Wood, Gretchen Klein, Margarita Richins,
Louise Willoughby, Camellia Robbins,
Jericho Robbins, Polly McLean; Peak Law,
John Kaiser, Jim Boyden, David Boyden,
Debbie Robinson, Jim Robinson, Doug
Porter, Sheryl Porter, Paula McGee, Kelly
Ovard

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.

**Item3 – Review, Discussion, And Possible Approval Of Findings Of Fact, Conclusions Of
Law, And Conditions OF Approval For The Wohali Master Planned Development, Property
Rezone And Phase I Preliminary Plan Ordinance No. 2019-8:**

Mayor Trever Johnson stated the purpose of the meeting tonight was to review and possibly approve the Findings of Facts for the Wohali project (Exhibit A). Don Sargent stated this would confirm the approval of the Wohali project. He stated Sheldon Smith and

J Craig Smith had compiled the information from the Planning Commission, City Council, and Development Code as discussed for the Wohali Project. Mayor Trever Johnson questioned if the conditions approved with the Motion from the December 9th meeting were part of the Findings. Sheldon Smith stated they were part of this document. The Mayor, Council, and Staff discussed the Findings including the requirements for the Development Agreement to run with the land, if the project went over 20% of primary home owners a payment of a fee in lieu for the tax difference would be paid to the City, having the fee on a recurring annual basis as part of the Development Agreement, changing the wording in the Findings for the recurring secondary tax fee from "may" to "shall" and add to be "assessed annually and collected every year by the HOA and paid to Coalville City, building the payment into the HOA document to make sure it was collected every year, the 20% primary cap applied to the 570 units and not the 130 nightly rentals, fixing a typo on paragraph 26 for "shares", the water options to be a combination of contract water, shares, or fee in lieu and item #29 also helped to clarify that, the connecting pathway would be along the new road through the gravel pit, discussion of whether to remove item #11 regarding the expansion parcels and it was explained this was Staff initiated and that property could not be added to the MPD without going through the full review and approval process and it protected the City, Council Member Rodney Robbins commented he was still not in favor of the Fire Code approval, the maximum potential of 570 units and 130 nightly rentals was listed in the document as the maximum entitlement for this project as the acreage could allow for more, primary open space would be untouched plus the golf course, the secondary open space was the land within the privately owned lot that was not developed or disturbed, the Icy Springs Bridge classification for weight and traffic was enough to handle the haul trucks coming in and out of the rock quarry, if the number of trips was part of the bridge review standards, a bridge was designed for weight limits and road maintenance would always be a priority, a single master developer or a transferee would be subject to the Development Agreement, draft language for open land preservation contribution which would be an assessed fee for every lot, the open land preservation fees could contribute to the Summit Land Use Conservancy group or other type of open land preservation and could be any type of open land including agriculture, trail, park, etc., the City could buy the land outright or it could be left to be farmed.

Mayor Trever Johnson stated he had discussed having an Enterprise Fund for Main Street as part of the Development and it was determined by the Legal Staff that it would be a stretch to attach or impose this to the Development. He stated a fee or surcharge would have to be tied to something the Development would have a direct impact with. He

questioned if the Development impact on the bridge was something that could be negotiated with the Development Agreement. Sheldon Smith stated he would have to review that to see if there was an excess use to attach to the bridge. He stated they were already entitled to use the bridge as it was an existing bridge for anyone to use. He stated his initial response was that it would also be a stretch to attach that to the Development. Shane McFarland stated provisions were included to cover the water and storm drain and it may be prudent to add the upgrade for the sewer service. Sheldon Smith stated item #35 covered that issue, but it could be more specific to add that in. Shane stated it may be a good idea to add in the Icy Springs Bridge Lift Station and the Council agreed. Polly McLean questioned if the Mayor would take questions from the public. Wade Budge stated he didn't think the City should be taking comments on this issue and the Opponents had filed a Referendum and they were not interested in revising the Findings. They were interested in rejecting them and the City would be well advised not to receive comments. Sheldon Smith stated he concurred with Mr. Budge's statements. Trever Johnson stated he had met with Lynn Wood and he felt it was productive. He stated he didn't speak for the Council, but gave her an overall view of the process and the state of the City's finances. He also discussed his reasoning for asking the Council questions to receive input in case of a tie vote and he had to vote. He stated he explained what the Wohali project had given with revised plans and what they had added to give to the City. He stated he felt it was a good conversation and felt Lynn Wood would agree. He stated he didn't think the public really understood what went on behind the scenes for the City. Mayor Johnson stated the idea of the Referendum came up for discussion and with it the possibility of the need of more discourse or a Town Hall type meeting for the City Council and the Public. He stated he understood public comments if any, shouldn't have a bearing on what was happening tonight, but he wanted to hear from them. He stated he didn't think the group had the full understanding of all of the information. He stated he understood the Referendum had been filed and some of the group questioned if the City had gotten the best deal they could from the project and others just didn't want the project to happen at all. Mayor Johnson stated it was his understanding that if the Referendum went through and was voted for, then the perception was there wouldn't be a project except for 75 homes. He stated he didn't think the group understood there would still be a project of some sort. The Developer could build the 75 homes and within the Code cluster density and pull from open space to double that and then add accessory dwellings which would raise the number again and still build the golf course. Mayor Johnson stated at that point, the project would become a gated community and the City would lose out on the access and public benefit. He stated his concern was that he didn't think everyone understood that possibility. He questioned if the cost of the City benefit was really worth 200 units. He stated it would

affect the water proposal, there wouldn't be any redundant water for the City, and it could allow the possibility of having septic systems. He stated the Referendum also added a financial liability to the City which could easily hit six figures. Council Member Cody Blonquist questioned how the project bond worked. Shane McFarland stated their Engineer would provide the cost to do the project and then he would review it and determine what the final cost would be. He stated they would bond for 120% of that amount when they recorded the plat and it would be held until they completed the construction and 20% would be held for a one-year warranty period.

A motion was made by Council Member Adrienne Anson to approve Ordinance 2019-8 on Findings and Facts Regarding a Master Planned Development, Preliminary Plat Application, and Property Zone Amendment Application Filed By Wohali Partners, LLC. as amended by the City Attorney including a typo on paragraph 26 changing "shared" to "shares", page 7 paragraph 34 striking "may" and changing to "shall" and adding "to be assessed annually and collected every year by the HOA and paid to Coalville City", paragraph 35 adding "which includes but not limited to the Icy Springs Bridge Lift Station". Council Member Arlin Judd seconded the motion. The Ayes won the vote. Motion Carried.

Roll Call:

Council Member Judd – Aye

Council Member Anson – Aye

Council Member Robbins – Nay, He doesn't think it follows the Code.

Council Member Rowser – Abstain

Council Member Blonquist – Aye

Mayor Trever Johnson stated he wanted to open the discussion with the public, but didn't want to get into anything legal and those type of questions should be submitted in writing to the City Attorney. Sheldon Smith stated that by doing that, the Mayor would be turning the meeting into a public hearing and the meeting hadn't been advertised as a public hearing. He stated there may be public comments that could have an impact. Mayor Johnson questioned what he could do legally to have a conversation with the public like a Town Hall discussion. Sheldon Smith stated if the Council was invited to be part of it, it would still need to be advertised as a public hearing. Mayor Trever Johnson stated he would take the conversation with the Council off the table and he would have a discussion with Polly McLean. Polly McLean stated she represented the group Coalville For Responsible Government and stated they wanted to keep the doors open for dialog because they felt it was best for Coalville. They were frustrated that if the Council had waited, they would have been able to have their wants met and the Referendum was done because they felt they didn't have a choice. Mayor Trever Johnson questioned if having

the Referendum was so they could have a bargaining chip. Polly McLean stated she didn't want to over speak, but they felt they would be looking at a different project. The public she represented realized the project wasn't what they wanted for Coalville and the Referendum was a way for her group to speak their mind. Mayor Johnson stated part of the problem was when it was said it wasn't a good project, and then when it was asked what was wanted to make a good project, no one had an answer. He stated they were staring at a Referendum, but if there was something doable for a better project, then it may not be too late to have that discussion. Polly McLean stated it wasn't the citizens against the City and the Developer. They were willing to work with the City, but there were other factors involved. She stated she thought the group was open to having a dialog and having a discussion with the Developer to see what concessions could be made. She stated she wanted to speak earlier in the meeting because she had items that could have made the agreement voted on tonight better. Mayor Trever Johnson stated all of those items were still on the table with the Development Agreement. Polly McLean stated the ability to wheel and deal went away when the City had their vote on the rezone. Mayor Trever Johnson stated he didn't see how something like affordable housing went away with the vote. It was something that could still be discussed and review. Polly McLean stated it would be better if it were more defined and gave the example of accessory dwellings and how many units of affordable housing per unit would be required, etc. Mayor Trever Johnson stated he was trying to determine what would satisfy the group. He stated he felt there were a number of people in her group that would be willing to do what she said and have discussions to make it feel better to them, but there were also a number of people in her group that had no desire to have any kind of development and wasn't willing to discuss anything. He stated if the Referendum went through, there would still be a Development, but it wouldn't be as good of a product for the City. He stated he understood people doing what they felt was right, but if it could have been avoided by discussion, then it should happen. He stated the group would need to have specific things that this project was missing to have any discussions going forward. He stated he appreciated the group being here and Polly McLean being here and having this discussion. Mayor Johnson stated this project had been changed and it had gone through the process and it had been discussed and opportunities had been given. He stated he needed to hear some specifics and if they could get ahead of the Referendum then he would like to accomplish that. He stated with his discussion with Lynn Wood, they both had the idea of the Main Street Enterprise Fund and the only legal way to attach that would be for the City to take a portion of the taxes generated from the project and start something to help revitalize Main Street. He stated this would be an annual positive impact. Mayor Johnson stated the Council could vote as a condition to have the taxes go toward that. The City was interested in looking at affordable housing and what that would look like, but if there wasn't an opportunity to do that, then the City would lose. Polly McLean stated she felt the group would like to come to the table and have those discussions. She stated the open space the Developer was proposing was a golf course, but that was different than just open space that someone could walk on when they wanted. She stated she didn't feel the City would lose anything if the Developer just went with the current zoning except for the public access. The City

would still have the value of the secondary home taxes. Polly McLean stated the group understood the monetary amount the City would incur with the Referendum. Mayor Johnson stated he was just questioning if there was an easier way out. Polly McLean stated once the City had the Development Agreement then the City wouldn't be able to attach the conditions to the project, but if it was a legislative process, then there would be more ability of the give and take to make sure there were more benefits to the City. Mayor Johnson stated he had actually looked at that specifically with the Enterprise Fund and there wasn't a way to do that. Polly McLean stated she still felt there were ways to make it happen. She stated if the Developer wanted to volunteer those items then it could happen. Mayor Johnson requested for Polly McLean and the group to bring up some specifics things to bring to the Developer. He stated they had been very willing to work with the City. He encouraged them to look at an avenue to get what they want without having an impact on the City financially. Paula McGee, Coalville For Responsible Government, stated the comments about everyone being more informed and having Town Hall meetings was spot on and would be great. She stated her request right now was that Attorney Wade Budge didn't speak for their group and she would like his comments where he stated the group represented this or that be stricken from the record. Mayor Trevor Johnson thanked her for her comments. He requested if the City held a Town Hall meeting to please leave the pitch forks at home and have a civil meeting. Paula McGee agreed and stated she felt everyone needed to be better informed.

Item B – Legal Updates:

Sheldon Smith stated he didn't have any legal updates tonight.

Item C – Mayor Updates:

Mayor Johnson stated he didn't have any other updates.

Council Member Adrienne Anson stated the Main Street Preservation Fund had been mentioned and she just wanted everyone to be aware the State of Utah Historic District had opportunities for a lot of grants for historic districts like ours. She stated if anyone from the Coalville group was interested she would love to hear from them. It required a historic registry and a committee of five members to pursue the options.

Item D – 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 November 18th, 2019 meeting.

A motion was made by Council Member Arlin Judd to approve the minutes for November 18, 2019 as amended. Council Member Rodney Robbins seconded the motion. All Ayes. Motion Carried.

Mayor Trever Johnson stated this was the last meeting of the year and he wanted to publicly thank Arlin Judd and Adrienne Anson for their service and understood how much emotion and personal life was affected. He stated he had served a lot of meetings with them and wanted them to know how much he appreciated them.

Item 5 – Adjournment:

A motion was made by Council Member Adrienne Anson to adjourn the meeting. Council Member Arlin Judd seconded the motion. All ayes. Motion Carried.

The meeting adjourned at 7:40 P.M.

Mayor Trever Johnson

Attest:

Nachele D. Sargent, City Recorder



"Exhibit A"
Council
12/16/19

Staff Report

Coalville City
Project Coordinator

To: Coalville City Mayor and City Council
From: Don Sargent, City Project Coordinator
Date of Meeting: December 16, 2019
Re: Wohali MPD, Property Rezone and Phase I Preliminary Plan
Action: Adoption Consideration - Findings of Fact, Conclusions of Law and Conditions of Approval

Wohali Property MPD, Rezone and Phase I Preliminary Plan

REQUEST

The purpose of this agenda item is to review, discuss and possibly adopt the findings of fact, conclusions of law and conditions of approval for the proposed Wohali Master Planned Development (MPD), Property Rezone and Preliminary Plan for Phase I.

BACKGROUND

On December 9, 2019 a continued public hearing was held before the city council to receive additional public comment, review, discuss and consider an action on the proposed Wohali development. By majority vote the city council approved the Wohali MPD, Property Rezone and Preliminary Plan for Phase I.

Attachment A includes the motion that was adopted by Ordinance 2019-7, as amended at the meeting.

ANALYSIS

The motion of the city council included direction to city staff to prepare findings of fact, conclusions of law and conditions of approval for review and approval at a subsequent city council meeting.

Attachment B includes the draft findings, conclusions, and conditions for the Wohali MPD, property rezone and preliminary plan for phase I. Staff compiled the findings, conclusions and conditions from staff analysis of the project, recommendation of the planning commission and the review and discussion of the proposed development with the city council. The highlighted conditions of approval address those specifically identified in the motion.

RECOMMENDATION

Staff recommends the city council review and discuss the attached draft findings of fact, conclusions of law and conditions of approval for consideration of adoption by Ordinance 2019-8 or as amended at the meeting.

ATTACHMENT A

12/09/19 City Council Motion

12/09/2019 Coalville City Council Meeting

A motion was made by Council Member Adrienne Anson to approve the Wohali Master Planned Development, Property Zone Amendment, and Phase I Preliminary Plan by Ordinance No. 2019-7 as revised by the City Attorney and Council Member Cody Blonquist's aforementioned conditions as follows:

1. The Applicant shall provide replacement water, water rights, water source, and water infrastructure sufficient to meet the demand of the Wohali annexation area.
2. Water is subject to the State Water Engineer approval and shall be turned over after 76 units to the City's satisfaction.
3. A Cap on the maximum number of primary units shall be 20% so Coalville can realize the second home tax revenue.
4. Affordable Housing shall be provided sufficient to meet the demands created by the Developer as determined by Staff as set forth in Development Agreement.
5. The development agreement shall stipulate that the requirements adopted now will run with the land and not Applicant or Master Developer.
6. Open Space approximately 66% or 1,000 acres shall be deed restricted or attached to a conservation easement and the open space includes the golf course.
7. The applicant, property owners or master developer is responsible for the cost of any new Infrastructure or upgrades required for both on-site and off-site improvements and shall run with the land.
8. The development agreement shall clearly define and specify all public access areas, including roads, common areas, commercial venues, golf course areas, trails, parking, etc. and shall remain open to public use indefinitely.
9. A provision for land preservation contributions shall be included in the development agreement.
10. Finding of fact, conclusions of law and conditions of approval shall be prepared by staff for review and approval by the city council at a subsequent city council meeting.

Council Member Arlin Judd seconded the motion. Motion Carried.

Roll Call Votes:

Judd – Aye

Anson – Aye

Robbins – Nay (Questions have not been answered and the general public hasn't expressed support of the project)

Blonquist – Aye

Rowser - Absent

ATTACHMENT B

Draft Findings of Fact, Conclusions of Law and
Conditions of Approval

Wohali MPD and Zone Amendment

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

Findings of Fact:

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

Conclusion of Law:

1. The proposed Wohali development is being processed as an MPD as required by the City Development Code which is intended to produce superior project design through flexible and innovative development provisions that advance the goals of the City’s General Plan.

2. No new zone district or overlay designation is being requested that is not already existing in the development code and on the zoning map of the City.
3. A rezone of property associated with an MPD requires an associated proposed conceptual development plan to be submitted with the application, which the applicant has provided.
4. The Applicant has submitted responses to Staff, Planning Commission and the public comments addressing question and concerns of the proposed MPD, and Title 10-3-080, Subsection E of the Development Code addressing the Standards for Decision for a zone amendment.
5. The Applicant responses were reviewed by Staff and the Planning Commission and expressed several observations, concerns and questions to the applicant that were addressed in the work sessions.
6. The Applicant compared the proposed Wohali core density units per acre of the project to existing core density zoning units per acre within the City, which was determined to be consistent.
7. In considering the zoning amendment, the City Council applied and considered the Standards for Decision in Title 10-3-080, Subsection E of the Development Code.
8. As for the MPD request, the City Council made the following conclusions:
 - a. The proposed Wohali MPD site design integrates well into the natural terrain, minimize excessive site grading and protects and preserves surrounding natural areas. **[8-6-080(A)]**
 - b. The proposed Wohali MPD makes suitable provisions for the protection, preservation, and enhancement of wildlife habitat, watercourses, riparian areas, drainage areas, wooded areas, steep terrain and similar natural features and sensitive lands. **[8-6-080(B)]**
 - c. The proposed Wohali MPD takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful site planning. Integration of connectivity with adjacent properties, as applicable, has also been considered and provided. **[8-6-080(C)]**
 - d. The proposed Wohali MPD has direct vehicular access from suitable public and private roads meeting all the requirements of the city engineering, development code and fire district standards. **[8-6-080(D)]**
 - e. The proposed Wohali MPD has a secondary point of access/emergency access or other mitigation satisfactory to the City Council and fire district. **[8-6-080(E)]**

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

11. The Wohali MPD, as conditioned below, will satisfy the required findings in Section 8-6-080 of the Development Code with evidence that supports the conclusions for the City to approve a master planned development.

Conditions of Approval:

1. The rezone amendment is subject to the MPD requirements set forth in the development Code and is to be consistent with the overall Wohali MPD Plans on file with the City.
2. The rezone of the Wohali Property will be void and the zoning revert to the AG zoning district if a final plat for Phase I of the MPD is not approved by the City Council and recorded with the County Recorder within three (3) years of the approval of the rezone and MPD.
3. A Development Agreement between the Master Developer, Wohali Partners, LLC, and Coalville City is a condition precedent to the final approval of the MPD and the property rezoning. Upon the negotiation and preparation of a proposed Development Agreement by the City staff and consultants and the Master Developer, the proposed Development Agreement shall be submitted to the City Council for approval by a vote of the City Council. If the City Council does not approve the Development Agreement within Three (3) years from the date of adoption by the City Council of these findings of fact, conclusions of law and conditions of approval, the approval shall be void and the zoning shall revert to the AG zone.
4. The Development Agreement must be executed by the City and the Applicant prior to final approval and recordation of any subdivision or PUD plat for the Wohali Property. The approved executed Development Agreement must be recorded at the office of the Summit County Recorder, run with the land, and bind all present and future owners of the Wohali Property in the Wohali MPD.
5. The Development Agreement shall implement the MPD and reflect the uses and densities allowed by the rezone and shall be executed by the mayor on behalf of the City and an authorized representative of the Master Developer. The development agreement shall be recorded with the Summit County Recorder after recordation of the Phase I plat.
6. The specific land uses and project elements of the MPD shall be set forth in the Development Agreement, including ranges of dwelling units, non-residential square footages and accessory resort support uses and facilities.
7. Density allowed for the Development shall be set forth and specified in the Development Agreement.
8. The potential total number of dwelling units allowed on the project site is 570 dwelling units subject to the review and approval of phasing project applications.
9. The potential total number of nightly rental resort units allowed on the project site is 130 nightly rental units subject to the review and approval of phasing project applications.

10. The total square feet of non-residential development allowed on the project site shall be addressed and specified in the development agreement.
11. Expansion parcels surrounding and adjacent to the project site may be included within the MPD during the build-out period of the project subject to the process and standards set forth in the development agreement and the Development Code.
12. The master developer shall prepare and submit an annual report for review of City Council confirming the number of dwelling units and amount of nonresidential development square footage that have been developed within the MPD.
13. The MPD project specific design standards and guidelines shall be reviewed and approved by the City prior to final plat approval of Phase I.
14. Specific lot standards, setbacks and building height shall be identified and included within the development agreement and shall comport with the MPD approval.
15. Parking shall be provided within the Village Center depicted in the MPD and as set forth in the development agreement and all other areas shall comply with the parking standards prescribed in the development code in effect at the time of phasing project applications.
16. The development agreement shall reference the standards for the design, configuration, maintenance and performance of all public and private designated roads within the Wohali MPD.
17. The main collector roadway (Wohali Way) to its intersection with Icy Springs Road and the Weber River Bridge and an alternative secondary access located near Icy Springs Road and leading to the Weber River Bridge shall be improved or constructed to city standards prior to occupancy of any phasing project.
18. The Wohali MPD shall provide a total 1,006.96 acres (66%) of the total project site in open space comprising 49% or 747.17 acres of primary open space and 17% or 259.8 acres of secondary open space as described in the development agreement. Open space shall be deed restricted or attached to a conservation easement. Open space includes the golf course(s).
19. The Wohali MPD Phasing Plan shown in the Phase I Preliminary Plan application shall be incorporated by reference in the development agreement and describe the phasing and timing of infrastructure within and outside of the MPD.
20. Prior to issuance of a building permit for the Wohali MPD, the Master Developer shall provide and construct a connecting pathway for public pedestrian and biking access along the main entry road (Wohali Way).
21. Details of open space protection and/or dedication shall be identified with each Phasing Project during the final plat or site plan review and approval process.

22. Prior to preliminary plan approval of each Phase of the Wohali MPD, the Master Developer shall prepare an analysis of Workforce (employee) housing required for the development to-date and submit to the City for review and acceptance. The Developer shall satisfy all reasonable requirements of the City to implement Workforce housing needs for the Development.
23. The development review process for all phasing projects within the Wohali MPD, including the building envelope review process, shall be described within the Development Agreement.
24. The Master Developer shall prepare and submit a Construction Waste Management Plan for review and approval with the Phase I final plat application.
25. A single Master Developer (or Master Developer Transferee) shall be maintained throughout the build-out period of the MPD and associated development agreement.
26. The allowance by the City of the use of contract water available to the City from Weber Basin Water Conservancy District, is only for an interim period not to exceed three (3) years. The Development Agreement shall set forth a process for the Applicant to dedicate water rights and shares, acceptable to the City, or to pay a fee in lieu to the City, for water rights and shares acquired by the City, sufficient to meet the water right demands of the project. The City reserves the right to determine the acceptability of water rights, shares or contract water from Weber Basin Water Conservancy District.
27. A Water Source Protection Plan shall be adopted by ordinance and referenced in the Development Agreement prior to final plat approval of Phase I of the MPD.
26. The master developer shall drill, equip and dedicate to the City a culinary water well with production quantity and water quality acceptable to the City and the Utah Department of Drinking Water prior to approval of a building permit for the 77th lot/unit in the MPD.
27. The master developer is aware that contract water from Weber Basin Water Conservancy District is disfavored by the City to meet the water dedication requirements of the City and the City has reserved the right to determine the acceptability for dedication of water rights, shares and contract water.
28. A Storm Water Drainage Plan for the MPD shall be prepared by the Master Developer and reviewed and approved by the City prior to final plat approval of Phase I.
29. Right to Farm Provisions, including livestock trailing rights, fence maintenance and nuisance claims protections, shall be described in the Development agreement and reviewed and approved by the City prior to final plat approval of Phase I.
30. Details of open space protection and/or dedication shall be identified with each phasing project during the final plat or site plan review and approval process.

31. The development review process for all phasing projects within the Wohali MPD, including the building envelope review process, shall be described within the Development Agreement.

32. A cap on the maximum number of primary units as set forth in the Development Agreement shall be 20% so Coalville City can realize the second home tax revenue generated from the development.

33. The Development Agreement shall stipulate that the requirements adopted now will run with the land and not be limited in any way to the Applicant or Master Developer.

34. The applicant, property owners or master developer is responsible for the cost of any and all new Infrastructure or upgrades required for both on-site and off-site improvements and such improvements shall run with the land. The City and its residents shall not be required to participate in nor have responsibility for any costs associated with the Development. The Developer shall have financial responsibility for costs, expenses and liabilities that are incurred in any way with the Development.

35. The Development Agreement shall clearly define and specify all public access areas, including roads, common areas, commercial venues, golf course areas, trails, parking, etc. and shall remain open to public use indefinitely.

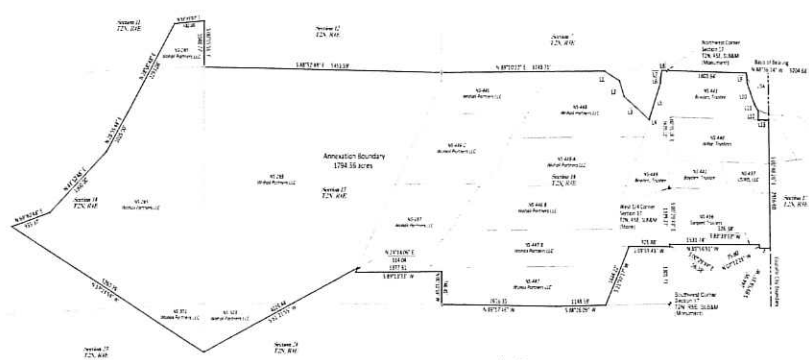
36. A provision for land preservation contributions shall be included in the Development Agreement.

EXHIBIT A

Wohali Property Legal Description and Plat

HIGH MOUNTAIN
SURVEYING, LLC
P.O. Box 445
1325 South Hoytville Road
Cudahy, Utah 84017
(435) 336-4710

SHEET 1 OF 1



Narrative
The 1900 and 1904 censuses indicated a population of 100 for N-48L, N-48U and N-48R for the purpose of including them in an Annexation for Airport Purposes. The Watson Family Property has been included as previously valued under two separate surveys. One of the prior surveys is primarily located in Section 18 and was performed by Abide White of Madison, Wisconsin. The other survey is primarily located in sections 13 and 14 and was performed by C. David McCord of Colorado Springs. The Survey performed by Leigh Watson Surveying is the first survey since 1963 in the Office of the Summit County Assessor. At the time this annexation map was prepared, the Morrisons Survey was in effect. The 1900 and 1904 censuses were used for the annexation map. The perimeter for Parcel N-48R was used for this annexation map.

2. The State of Steward used for this survey is North 36° 14' 30" along the North Line of Section 18, T24N, R10E, S34M. This annexation matches the 1946 North State Survey Coordinate System, NAD83.

3. The Civilian City Boundary Line was derived from a Metro and Boulder description provided by the City. This description places the City Boundary 200 feet from the U/L4 section line running south/south through sections 13, 14 and 15 of T24N, R10E, S34M.

of the described properties and if all the plant has been a true and common occurrence of seed source.



Agreed in compliance with Section
17-21-21 of the Utah Code that **24**
in of **JUNE**

Summer Courses Available
 HV *Wade Wildlife*
 Living Wildlife Course Available

Reviewed and Approved by the Coalville City Attorney
this 4th day of June, 2018

Reviewed and Approved by the Cadville City Council
this 4th day of June, 2018

NO 1093898
State of Ohio, County of Summit, Registered and filed in the register of
Cleveland City

Coulville City Annexation Survey
Prepared For: Wehadi Partners, Boyden Trustee and Wildlife Trustees
Part of Sections: 11, 13, 14, 23, 24, T2N, R4E & 17, 18 T2N, R5E,
Coulville, Summit County, Utah

S0009430

Wohali MPD Phase I Preliminary Plan

The following are proposed findings of fact, conclusions of law and conditions of approval for the Wohali MPD Phase I Preliminary Plan.

Findings of Fact:

1. The applicant duly applied for a Preliminary Plan application for Phase I of the MPD on August 16, 2019.
2. The Planning Commission reviewed and discussed the proposed Phase I Preliminary Plan in work session on August 19, 2019 and directed the applicant to provide additional required information for a complete submittal.
3. The Preliminary Plan application for Phase I of the MPD was determined complete with all required information on October 19, 2019.
4. On October 21, 2019 the Planning Commission conducted a public hearing on the Preliminary Plan for Phase I of the MPD and requested an additional meeting to address the project issues
5. The Planning Commission recommended approval of the Phase I Preliminary Plan to the City Council on November 4, 2019.

Conclusions of Law:

1. The applicant submitted responses to Staff, Planning Commission and Public Comments addressing question and concerns of the proposed Phase I Preliminary Plan.
2. The applicant responses were reviewed by Staff and the Planning Commission and expressed several observations, concerns and questions to the applicant which were addressed in work sessions.
3. The proposed Wohali Phase I Preliminary Plan was determined to comply with the applicable development code standards of the City.

Conditions of Approval:

1. A Development Agreement between the Master Developer, Wohali Partners, LLC, and Coalville City shall be executed by both parties with the final plat approval of Phase I.
2. The MPD project specific design standards and guidelines shall be reviewed and approved by the City with the final plat approval of Phase I.
3. Specific lot standards, setbacks and building height of the MPD shall be identified and included within the Development Agreement with the final plat approval of Phase I.

4. The main collector roadway (Wohali Way) to its intersection with Icy Springs Road and the Weber River Bridge and an alternative secondary access near Icy Springs Road and leading to the Weber River Bridge shall be constructed prior to occupancy of any lot/unit of Phase I.
5. The Wohali MPD Phasing Plan, as shown in the Phase I Preliminary Plan application, shall be incorporated by reference in the Development Agreement and describe the phasing and timing of infrastructure within and outside of the MPD.
6. Prior to construction on the Phase I final plat, a more detailed implementation schedule for any required construction or upgrades of off-site infrastructure improvements supporting Phase I and all other subsequent Phases shall be submitted to the City for approval.
7. In connection with issuing permits for the installation of improvements associated with the Phase I final plat within the Wohali MPD, the Master Developer shall provide and construct a connecting pathway for public pedestrian and biking access along the main entry road (Wohali Way).
8. Details of open space protection and/or dedication shall be identified during the final Phase I plat review and approval process.
9. The Master Developer shall prepare an analysis of Workforce (employee) housing required for Phase I of the development and submit to the City for review and acceptance with the Phase I final plat application.
10. The Master Developer shall prepare and submit a Construction Waste Management Plan for review and approval with the Phase I final plat application.

**COALVILLE CITY
ORDINANCE NO. 2019-8**

LAND USE ORDINANCE FOR WOHALI DEVELOPMENT APPLICATION

THIS ORDINANCE IS TO TAKE ACTION ON FINDINGS OF FACT REGARDING A MASTER PLAN DEVELOPMENT PRELIMINARY PLAT APPLICATION AND PROPERTY ZONE AMENDMENT FILED BY WOHALI PARTNERS, LLC.

BE IT ORDAINED BY THE COALVILLE CITY THE FOLLOWING:

- I. **PURPOSE OF THIS ORDINANCE.** The provisions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health and general welfare of persons in Coalville City and to take action on a Master Plan Development Application in accordance with Coalville City Ordinances and Utah State laws, including the following:
 - A. Ensure all City ordinances and Utah State Code provisions are complied with in connection with application for Master Plan Development and Property Zone Amendment (the "Application and Amendment");
 - B. Allow for public comment on the Application and Amendment and other relevant matters that are before the City Council for consideration;
 - C. Allow for public comment on all relevant matters and staff analysis that may be deemed appropriate and/or necessary;
 - D. The Application and Amendment were approved by the City Council, subsequent to receiving public comment, at the December 9, 2019 City Council meeting, but conditioned on and subject to the approval by the City Council of final findings of fact at a subsequent Coalville City Council meeting. Prior to the approval of the Phase 1 final plat a written development agreement, approved by the City Council and executed by the applicant and Coalville City shall be submitted.

- II. **ADOPTION OF ORDINANCE CONDITIONED ON APPROVAL AND/OR RATIFICATION OF DEVELOPMENT AGREEMENT.** The findings of fact, conclusions of law and conditions of approval are attached hereto and are hereby confirmed to reflect the action of the City Council on December 9, 2019. Consideration of a development agreement by the City Council will occur at a subsequent meeting where a proposed

development agreement, executed by the applicant and recommended by the City staff, is presented to the City Council for a formal vote.

- III. **EFFECTIVE DATE.** This Ordinance shall take effect on the 16th day of December 2019.

PASSED, APPROVED AND ADOPTED by the City Council of Coalville City, Utah this 16th day of December 2019.

APPROVED as to form by Coalville City Attorney

Sheldon A Smith

ATTEST:

COALVILLE CITY;

City Recorder

Mayor

Councilmember Blonquist

Voted

Councilmember Rowser

Voted

Councilmember Anson

Voted

Councilmember Robbins

Voted

Councilmember Judd

Voted
