

April 24, 2020

## **Appeal of Excavation and Building Permit Approval Wohali Eagle Golf Course**

To the Coalville City Council – Appellate Body:

As residents and/or property owners within Coalville City, we are requesting an appeal (in accordance with code section 10-3-150) of the Excavation and Building Permit Approval of the Wohali Eagle Golf Course, approved by city staff on April 14, 2020.

We request the Appellate Body review the approval for proper application and consistency with the following specific sections of the code:

### **1 – Final development approval is required.**

*10-3-110: BUILDING PERMIT:*

*C. **Development Approval Required.** No building permit(s) shall be issued for any project without final development approval.*

The golf course is an integral and inseparable part of the application submitted on January 17, 2020. Applicant's attorney, Wade Budge, explained in a memo dated March 12, 2020 (Attachment 1) that failure to reach a "critical mass" of units + nightly rentals will make the golf course unfeasible. The development has **not** received final approval and the golf course as a stand-alone permitted use is not viable.

Additionally, the applicants were instructed in a January 24, 2020 meeting (Attachment 2) with staff that "the process (golf course) will likely need to run concurrent with the preliminary plan and MPD". City staff has not adequately explained why it is beneficial to either the city or applicant to approve the permits prior to development approval. If "critical mass" is not ultimately approved, the applicant would suffer significant hardship and the city may be responsible to collect on the bond and provide the reclamation. The building permit should not be approved prior to final development approval and should be processed concurrent the January 17, 2020 application.

### **2 – There is no parking requirement approved in conjunction with this permit.**

*10-3-130 PERMITTED USES:*

*D. Standards and Requirements*

*3. Meets the applicable parking requirements*

On page L1.7 of the Eagle Golf Course Building Permit Submittal (Attachment 3), the Roadway Landscape note #2 reads "NO PARKING LOTS ARE PROPOSED WITHIN PHASE I". The golf course

will require parking and the approval cannot be given until this deficiency is clarified and addressed.

### **3 – Adequacy of existing utility systems has not been determined.**

#### *10-3-130 PERMITTED USES:*

**J. Effect of Decision.** Upon finding that the proposal complies with the applicable zoning requirement, **and can be adequately serviced by existing utility systems or lines,** the plans shall be reviewed for Building code compliance and permit issuance.

In a Coalville City Council meeting held on April 13, 2020, Shane McFarland responded to a question regarding water.

“When it comes to any delivery of water, it is not part of this application and that’s going to need land use authority anyway to approve it. I don’t think they made a connection to icy springs but we will follow up on it.”

How is it possible to approve the golf course prior to water being sourced and approved? Are the existing lines adequate? What water will be used to water the new vegetation and to keep the roads watered during construction?

### **4 – Alternate methods exist to process this application.**

#### *10-3-130 PERMITTED USES*

**B. Authority.** Staff of Coalville City is authorized to review and approve Permitted Use Applications. Based on the issues of the application, **staff may schedule a public hearing** before the Land Use Authority and/or Legislative Body for review and approval of the project.

Staff had several methods available to process the February 28, 2020 Permitted Use application.

- 1 – Require the golf course permitted use to be processed concurrently with the original January 17, 2020 application as was discussed in the meeting held January 24, 2020.
- 2 – Schedule a public hearing and refer the application to the Planning Commission and/or City Council to affirm in whole or in part the recommendation of staff.
- 3 – Approve the application at the staff level.

City staff chose to approve the application without the benefit of further review or affirmation. The complex issues surrounding this application clearly call for input, review and approval by

our elected officials. There is nothing simple, straightforward or routine about the golf course application.

The public has shown intense interest in this project however, as explained in the Findings #7 (Attachment 4) staff determined a public hearing was not necessary because the application was consistent with a previously approved application (currently under referendum). The findings further state in #9 - "This permit for the excavation and construction of a golf course is completely independent of any and all development applications". If the golf course application is completely independent, any prior public hearings would be irrelevant. The new application has significant differences from the previously approved application. (For example the current application has 18 holes compared with 27 holes on the prior application.)

Although we appreciate that staff brought up the permit at the April 13, 2020 City Council Meeting, it was still insufficient. Bringing it up at the meeting is no substitution for a public hearing especially where the council meeting occurred electronically and there was no way for the public to see the officials and many of the public were unable to access the meeting. In addition, notice of the meeting was not posted on the city's website and it was not on the agenda, so the public who may have been interested in the issue weren't able to listen to the discussion. A strong argument can be made that a public hearing is warranted.

We request the Appellate Body review the application and make a determination of the appropriateness of the actions and decisions made by city staff. We appreciate this opportunity to present this appeal and thank you for your many long hours of service to our city.

Respectfully,

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