



To: Eric Langvardt, Wohali Development Representative
From: Don Sargent, City Project Coordinator
Date: December 15, 2020
Subject: Wohali MPD and Phase I Preliminary Subdivision Plat – City Council Approval
Copied: Mayor Johnson and City Staff

City Council Approval – Wohali MPD and Phase I Preliminary Plat

On December 14, 2020, the Coalville City Council met in regular session to continue the review and discussion of the proposed Wohali MPD and Phase I Preliminary Subdivision Plat. The City Council determined the MPD and Phase I Preliminary Subdivision Plan applications complied with the development code requirements.

The City Council voted unanimously to approve the MPD and Phase I Preliminary Plat with the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT, CONCLUSIONS OF LAW, and CONDITIONS OF APPROVAL

Wohali MPD and Phase I Preliminary Plan Application

The following are findings of fact, conclusions of law and conditions of approval for the MPD and Phase I Preliminary Plan application for the Wohali Development by the City Council for Coalville City (“City”).

Findings of Fact:

1. In 2018 the City annexed several properties west of the then City limit line which included certain real property known as the Wohali Property. (A legal description and plat depiction of the “Wohali Property” is attached as **Exhibit A.**)
2. The Wohali Property is zoned Agriculture (“**AG Zone**”) which allows 1 dwelling unit per 20 acres as base density.
3. The owner of the Wohali Property, Wohali Partners, LLC, (“**Applicant**”) previously applied for a property zone amendment (“**Rezone Application**”) and Master Planned Development (“**Original MPD Application**”) on November 1, 2018 for the Wohali Property.
4. The Rezone Application and Original MPD Application were approved by the City Council on December 9, 2019, which Rezone Application approval allowed for additional dwelling units in excess of what is allowed in the AG Zone, and the Original MPD Application allowed for the recreation facilities, nightly rental resort units and other concurrent

permitted and supporting facilities and support accessory uses under the provisions of the Development Code, including Section 8-6-030 thereof.

5. Applicant subsequently withdrew the Rezone Application and the Original MPD Application on May 13, 2020 in response to a referendum on the Rezone Application.
6. Applicant also duly applied for a reconfigured Master Planned Development ("**MPD**") and Preliminary Plan application ("**Preliminary Plan**") on January 17, 2020 for the Wohali Property under the City's existing zoning ordinances and without any property zone amendment and without seeking any use or any density not allowed under existing Development Code. The Applicant is also the Master Developer.
7. On January 21, 2020, the City determined that the MPD and Preliminary Plan application were complete and included all required information.
8. The Planning Commission reviewed and discussed the MPD and Preliminary Plan in work sessions beginning on February 18, 2020.
9. The Applicant submitted responses to the City staff, Planning Commission and public comments addressing questions regarding the MPD and Preliminary Plan, including responses regarding natural vegetation, drainage areas, steep terrain, open space, sensitive lands and winter climate factors, taking into consideration flooding, erosion, subsidence, and pedestrian/bicycle connectivity and circulation that accounts for the natural contours of the Wohali Property, all as consistent with the City's General Plan and the requirements of the Development Code.
10. The Applicant's responses were reviewed by the City staff and the Planning Commission who expressed several observations and questions to the Applicant, each of which were addressed in the work sessions.
11. The land use administrator, acting pursuant Section 10-8-050(B) of the Development Code, considered and determined that the proposed recreational facilities and other support facilities and uses described in the MPD are properly classified as Recreation Facilities and support facilities and support accessory uses under the Development Code.
12. The Applicant duly applied for an Excavation and Building Permit on February 28, 2020 to initiate construction of an 18-hole golf course and associated improvements. The permit was approved on April 14, 2020 ("**Grading Permit**"), which detailed Applicant's plans to minimize excessive site grading and preserve natural areas. Pursuant to the Grading Permit, Applicant has undertaken grading and excavation activities beginning in May 2020.
13. Following a public hearing on the MPD and Preliminary Plan on June 15, 2020, the Planning Commission recommended approval of the MPD and Preliminary Plan to the City Council on June 15, 2020.
14. The City Council reviewed and discussed the MPD and Preliminary Plan particulars in work sessions and public hearings on July 13, 2020 and July 27, 2020.
15. The City Council approved the MPD and Preliminary Plan on December 14, 2020 as a land use decision as confirmed in these findings of fact, conclusions of law and conditions of approval.

Conclusion of Law:

1. The proposed development is being processed as an MPD as required by the City Development Code for this type of development, which is intended to produce superior project design through development provisions and is consistent with the goals of the City's General Plan, and are consistent with existing zoning ordinances.
2. The MPD and Preliminary Plan were determined to comply with the applicable Development Code standards.
3. No new zone district or rezone will result from MPD and Preliminary Plan, and the approval of the MPD and Preliminary Plan is a land use decision by the City Council, acting as the land use authority implementing existing law.
4. The proposed recreational and support facilities, are permitted uses under Sections 10-9-020 and 8-6-030 of the Development Code, and the other proposed uses are recreational support facilities under Section 10-2-189 of the Development Code and support accessory uses under Section 8-6-030(D) of the Development Code.
5. The specific land uses and project elements described in the MPD, and also set forth in the development agreement, including ranges of dwelling units and various recreation facilities and nightly rental resort units and other concurrent permitted and supporting facilities and support accessory uses, are consistent with the Development Code.
6. The MPD, as conditioned below, satisfies 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. In that regard, the City Council makes the following conclusions:
 - a. The 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 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, including, but not limited to clustering development to preserve open space, sensitive lands and wildlife habitat, while avoiding development within areas of steep terrain. **[8-6-080(B)]**
 - c. The 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 MPD has direct vehicular access from suitable public and private roads meeting all requirements of the City engineering, Development Code and fire district standards, including, but not limited to Icy Springs Road and Wohali Way. **[8-6-080(D)]**
 - e. The MPD has a secondary point of access/emergency access or other mitigation satisfactory to the required authorities, including, but not limited to emergency

access via a rural local road to the north of the MPD and a summer emergency egress route to the south of the MPD. **[8-6-080(E)]**

- f. All roads/streets within the 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 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 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 MPD are designed so that existing significant vegetation can be maintained to the greatest degree possible. **[8-6-080(H)]**
 - i. The MPD includes adequate internal vehicular and pedestrian/bicycle circulation in accordance with the principles of the City Transportation and Trails Master Plan. **[8-6-080(I)]**
 - j. The MPD includes adequate and designated areas for snow removal and snow storage. **[8-6-080(J)]**
 - k. All exterior lighting within the MPD is downward directed and fully shielded in compliance with the City Outdoor Lighting standards. **[8-6-080(K)]**
 - l. The MPD, as conditioned, complies with all the requirements of Chapter 8 of the City Subdivision Ordinance. **[8-6-080(L)]**
 - m. The 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 MPD on June 15, 2020. The City Council conducted the required public hearing regarding the MPD on July 13, 2020 with an additional public hearing on July 27, 2020. **[8-6-080(N)]**
7. The City Council additionally concludes that the setbacks, building heights, lot size requirements and parking requirements noted in the below Conditions of Approval improve the project site design, result in the clustering of buildings and lots, preserve contiguous open land and natural resources, provide efficiency of infrastructure, and produce a unique product type project.

The MPD and Preliminary Plan are hereby approved, subject to the following Conditions of Approval:

- 1. In accordance with Section 8-6-050 of the Development Code, the MPD shall terminate if the Phase I final plat is not approved and recorded within three (3) years of the approval of the MPD approved on December 14, 2020.

2. A development agreement, consistent with the MPD, these Findings, Conclusions, Conditions of Approval, and the Development Code, between the Applicant and the City is a condition precedent to the final plat approval and recording of the Phase I plat of the MPD.
3. The covenants, restrictions, and other provisions of the development agreement shall run with the land and be binding upon all present and future owners of any portion of the Wohali Property in the MPD.
4. The development agreement shall implement the MPD provisions and reflect the uses and densities allowed by the MPD and shall be executed by the mayor as an executive act on behalf of the City and an authorized representative of the Master Developer.
5. The maximum potential total number of dwelling units allowed on the Wohali Property, including the open space density bonus permitted under the Development Code, is 125 dwelling units, which shall be confirmed in the development agreement. The final location of which shall be determined in subsequent project phase plat applications, consistent with the development agreement and Preliminary Plan. Such dwelling units shall be detached in accordance with the requirements of Section 8-6-030(B) of the Development Code.
6. The approved configuration and design includes 303 attached and detached resort units used for nightly rental, together with other concurrent permitted and supporting facilities and support accessory uses, the final locations of which shall be determined in subsequent project phase plat applications.
7. 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 processes and standards set forth in the development agreement and the Development Code.
8. The Master Developer shall prepare and submit an annual report for review by the City Council confirming the number of dwelling units that have been developed within the MPD along with other structures and improvements.
9. Residential development and accessory structures shall require front yard setbacks, side yard setbacks and rear yard setbacks of at least, respectively, 10 feet, 5 feet and 12 feet, with exceptions for irregular and alternative lot configurations, including without limitation, courtyard, Z-lot, zero lot line and cul-de-sac lot configurations. Maximum building heights for residential development shall be 35 feet.
10. Non-Residential development shall not require setbacks except as may be required under applicable building codes. Maximum building heights for non-residential development shall be 45 feet.
11. In addition to the parking requirements set forth in Section 8-6-060 of the Development Code, resort units shall require 1 parking space per unit. Parking within the village center shall be as depicted in the MPD and shall incorporate shared parking areas to preserve contiguous open land and provide efficiency of parking infrastructure.
12. The development agreement shall reference the standards for the design, configuration, maintenance, and performance of all public and private designated roads within the MPD.

13. 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 or Summit County standards, as applicable, prior to occupancy of any project phase.
14. Any vacation of Icy Spring Road, including the vacation pending with the Summit County Council for a section located south of the project's gates, shall be subject to existing rights as described in the Utah Supreme Court case of *Carrier v Lindquist*, 37 P.3d 1112 (2001).
15. The MPD shall provide a total of approximately 1,172.83 acres (70.5% of the Wohali Property) of the total project site in open space. Open space shall be guaranteed by deed restrictions, recorded covenants and/or conservation easement(s), consistent with the open space values of the AG Zone. Open space includes the golf course(s) as Open Space, Landscaped pursuant to Section 10-2-158(B) of the Development Code.
16. The MPD phasing plan shown in the MPD shall be incorporated in the development agreement. The phasing and timing of infrastructure, required to be installed by the Master Developer, within and outside of the MPD shall be specified in the development agreement.
17. Details of open space protection and/or dedication shall be identified with each phase during the final plat or site plan review and approval process, consistent with the development agreement.
18. The Master Developer shall satisfy all reasonable requirements of the City to implement workforce housing attributable to the MPD, as further specified in the development agreement.
19. The development review process for all project phases within the MPD, including the building envelope review process, shall be described within the development agreement.
20. A single Master Developer (or Master Developer transferee) shall be maintained throughout the build-out period of the MPD as set forth in the development agreement.
21. Master Developer shall locate and pay for and cause to be made available to the satisfaction of the City new irrigation water sources appropriate for inclusion in the secondary water system for the golf course(s) located on the Wohali Property. Master Developer shall construct required infrastructure and pay for all water rates and costs associated with providing water for the project, including secondary water for such golf course(s).
22. 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.
23. Right to Farm provisions shall be verified by the City prior to final plat approval of Phase I.
24. The development agreement shall include provisions confirming the MPD's requirements that Master Developer shall be responsible for on-site and off-site improvements required for the Wohali Property.