

Minutes
Town of Hideout
Town Council - Public Hearing
October 12, 2020

The Town Council of Hideout, Wasatch County, Utah met for a Public Hearing on October 12, 2020 at 6:00 pm electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

I. Call to Order and Reading of Mayor Rubin's No Anchor Site Determination Letter

1. Mayor Rubin's No Anchor Site Determination Letter

PR Called the meeting to order at 6:05 pm and read the no anchor site determination letter in its entirety.

II. Roll Call

Present: Mayor Phil Rubin
Council Member Chris Baier
Council Member Jerry Dwinell
Council Member Carol Haselton
Council Member Bob Nadelberg
Council Member Ralph Severini

Staff Present: Town Attorney Polly McLean
Town Administrator Jan McCosh
Town Planner Thomas Eddington
Town Clerk Alicia Fairbourne
Deputy Town Clerk Kathleen Hopkins

Others Present: Alexandra Ananth, Roger Armstrong, Anne Asman, Karen Ballash, Danny Barber, Bill Bartlett, Jeff Bawol, Kathie Beckman, Andy Beerman, David Bennett, Pamela Bingham, Brianne Birdsley, Ken Block, Lynne Bolwell, Reb Bowen, Jami Brackin, Rod Bradshaw, Christine Brick, Rick Brough, Larry Brownstein, Alex Butwinski, Sergio Castellanos, Camron Chin, Steve Chin, John Colcannon, Kendall Crittenden, Eric Davenport, Chris Day, Colin DeFord, Jim Dewelney, Max Doilney, Ken Drummet, Sally Elliott, Chris Ensign, Doug Fox, Tom Fisher, Dennis Forchic, Jeffrey Franco, Debra and Mark Franzen, MJ Fryar, Becca Gerber, Susan Geyer, Korlin Gillette, Jason Glidden, Richard Goldberg, Rusty Gower, Paul Grandsire, Steven Grayson, Joe Guttenplan, Scott Hallenberg, Todd Hamel, Ira Hammerman, Rob Hansen, Larry Hardebeck, Tracy Harden, Alanna Hatz, Tim Henney, Robert Hingh, Brad Holmes, Ben Holzman, Beth Holzman, Joshua Horner, Hillary Howard, Bill Hults, Allan Inglis, Linda Jager, Mark Kasperick, Karen Kaspernick, Angie Keb, Madison Keller, Colleen Kelly, Tom Kelly, Jeff and Nikki Keye, Carolyn Keys, Avery Kiser, Spencer

Knight, Bob Kollar, Susan Jucher, John Labrun, Spencer Lace, Brenda Lah, Eric Langvardt, Erik Larsen, Leia Larsen, John Leone, Christy Lewis, Steven Mackay, Lauren Major, Mitchell Manassa, Jon Manwaring, Scott Martin, Matt McCormick, Mary Polley McCulloch, Dave McCurdy, Pam Gosh, Dave McFawn, John McKnight, Sheila McLaughlin, Ryan McTish, Steve Morrison, Joan Mosch, Angela Moschetta, Rory Murphy, Alexandria Myers, Charlie Myers, Jason Nageli, M. Alex Natt, Martina Nelson, Kathleen Nichols, Scott Ogden, Douglas Ogilvy, Gary Oliverson, Margaret Olson, Teddy Oram, Suzanne Ostrand-Rosenberg, Caleb Payeur, Dean Peters, John Phillips, Frank Pizz, Sean Philipoom, Anita Price, Emma Prysunka, Utah State Representative Tim Quinn, Myles Rademan, Susan Richer, Roberto Guillermo Rivero, Chris Robinson, Scott Robertson, Joy Rocklin, Lynn Ross, Bret Rutter, Amy Sage, Christina Sally, Keara Sardo, Jeff Schiff, Allison Schwam, Kurt Shadle, Katie Sharp, Maddy Shear, Ellen Sherk, Meg Shuff, Heleena Sideris, Tom Sly, Daron Smith, Mary Christa Smith, Paul Smith, Karen Soltis, Mike Sonzini, Cheryl Soshnik, Andrea Spaulding, Meg Steele, Leslie Steiner, Thomas Story III, Helen Strachan, Jean Thompson, Craig Valentine, Wendy Vertal, Johnny Wasden, Michael Waters, Suze Weir, Gwen Wetzal, Dana Williams, Ron Winterton, Rich Wyman, Becky Yih, Paul Ziegler and others who may not have used their full or proper names when logging in electronically via Zoom, or who may have dialed in using only a phone number.

III. Agenda Items - Public Input Session

1. Public Hearing on Notice of Intent to Annex

Mayor Rubin read the government guidelines for Public Hearings, noting they were an opportunity for the public to provide input on proposed legislation. He reviewed the waiting requirements for an intent to annex land, which required a waiting period of thirty (30) days prior to holding a Public Hearing. He reviewed guidelines and instructions for members of the public to voice their opinion during the meeting and noted Council was only taking input for consideration on whether or not to pass the annexation ordinance.

Mayor Rubin provided an overview of the consideration of annexation of approximately three-hundred fifty (350) acres in the Richardson Flats area to address the retail and service needs of residents of the Town. Possible services discussed included retail, community, and transit services, mixed housing, and schooling needs. The Town felt the services were needed for long-term livability for residents.

He reviewed the various studies which would be conducted, including environmental, traffic and a feasibility study in order to ensure the plan would adhere to the Town's overall goals. The concern of dark skies and utility services were being considered in order to reach an agreement designed to address those concerns.

At 6:25 pm, Mayor Rubin opened the floor to public comment.

Utah State Representative Tim Quinn (District 54) was the first to speak. He thanked the Town for the opportunity for the public to comment. Representative Quinn had attended a meeting in which the developer's counsel stated they had spoken with Utah State Representative Calvin Musselman (District 9) and Utah State Senator Kirk Cullimore (District 9), who were the original sponsors of the annexation bill, as well as those who repealed the bill. Representative Quinn contacted Senator Cullimore regarding the discussion with the developer's counsel, to which Senator Cullimore stated he did not remember speaking with the developer's counsel and it was

not intended to leave a sixty (60)-day window open for Hideout to pursue the annexation. Representative Quinn read minutes from a committee meeting held on August 19, 2020, and noted the discussion between Representative Kera Birkeland (District 53), Senator Anderegg (District 13), and Senator Musselman in which the repeal of the bill was discussed. The committee had discussed the annexation which was in litigation with Summit County, and it was questioned if, by repealing the bill by the legislature, it would act in influencing which way the judge decided to rule.

Representative Quinn stated he felt it was obvious the legislative intent was not to leave the sixty (60)-day window open for Hideout to annex and leaving the sixty (60)-day window open was typical procedure for the legislative process during a Special Session, which should be taken into consideration by Hideout's Council.

Next to speak was Town resident Bret Rudder, who stated he felt the Town was approaching the annexation in the wrong way. He noted the proposed development area of Richardson Flats was 5.9 miles from Hideout, which was the same distance to the retail stores and service stations of Kamas. He agreed Hideout needed a more sustainable revenue generation from a retail sales tax base but felt the Town should annex by working regionally with surrounding cities, or by rezoning areas within the existing Town boundaries. He expressed his concern regarding the partnership of the developers being broken and one of the developers (Josh Romney) abandoning the transaction.

John McKnight, a resident of The Retreat at Jordanelle, spoke and gave a metaphorical comparison of the growth he experienced in Santa Barbara to the growth and development of the Park City area. He expressed his concern of the timing of the project and felt the recreational aspect of the land should be preserved.

Craig Valentine, a resident of Park Meadows, Park City, appreciated the support of Representative Quinn and Senator Winterton for their involvement in trying to resolve the issue. He noted he had looked at buying a home in Hideout and agreed with Mr. Rudder's comments regarding the distance to local retail services in Kamas and the south Summit County area. He suggested if Hideout were to continue the feasibility studies, Summit Land Conservancy and Mountain Trails Organization should be included. He also noted Hideout would not be in this annexation predicament they were in if the standard procedure had been followed.

Myles Rademan, a professional urban planner, offered his comments regarding Hideout's statement on the annexation was to increase its commercial offerings and tax base. He believed approving a large amount of residential density would not cover the cost of the services required. He believed the planned 20,000 units already approved around the Jordanelle Reservoir and the need for services around the area would only exacerbate the already growing problems of congestion and noted the quantity and quality of recreational and open space amenities provided around the annexation area would determine its livability and success. He expressed if the annexation were to go through, the agreements between the United Park City Mines Company/Talisker of maintaining open space should be honored and made a condition of approval.

Town residents Mark and Debbie Franzen agreed with earlier comments and thought the increase in the tax base was commendable. Mr. Franzen expressed his concern regarding the proposed increase in density. He felt, although Hideout did everything legally, the timing was not right for the annexation.

Dave McCurdy, who lived in Deer Vista and was a previous resident of Black Rock Ridge, understood the challenges of an inadequate tax base, but did not agree bringing density, light pollution, and destroying recreational area was the best for the community or region. He noted there were signs for a future grocery store or commercial development on the corner of Browns Canyon Road and SR248 and stated access to retail facilities could be addressed without the annexation.

Kurt Shadle, resident of Hideout, read a petition which was solicited throughout the Town in opposition of the annexation. The petition urged Hideout to organize a regional approach to planning with Summit County, Park City and Wasatch County in an effort to jointly solve the region's traffic, housing and shopping needs. The petition was signed by almost one hundred Town residents, which Mr. Shadle noted was greater than the number of ballots received for any elected official in past elections.

Mayor Rubin reminded the public all written comments had been submitted to Council for review and consideration.

Reb Bowen, resident of Park's Edge, stated he submitted his comments via email the previous night but wanted to add his thoughts during the meeting. He was grateful for the public hearing and agreed with the previous comments. He stated the way it was proposed felt fundamentally wrong and was in favor of regional collaborative discussions to work toward solutions.

Bill Hults, a developer who had recently moved to Park City, agreed with the previous comments. He understood what the Town's intent was and suggested looking at the land on the west side of town toward Kamas which would suit the needs of the Town. He noted he had looked at purchasing that land for development and retail services, however, the developer/owner of that land had it on hold.

Suze Weir stated she appreciated all the hard work but agreed with the previous speakers in that she did not feel comfortable with the way the attempt to annex was approached.

Suzanne Osterand-Rosenberg, resident of Park City, spoke on behalf of herself and her husband, Robert. She stated the back deck of their home overlooked SR-248 and she could see the traffic accumulate on SR-248 into Park City in the morning. She was concerned about additional traffic in the Richardson Flats development and mentioned a meeting held by the Utah Highway Commission which had no solution to remedy the traffic situation. She doubted there would be a solution found by the developer of the area and was opposed to the annexation.

John Phillips, the Park City Planning Commission Chair, co-authored and submitted a letter to the Hideout Planning Commission and Town Attorney, Polly McLean. He stated Hideout should make long-term relationships with surrounding areas in order to work together collaboratively in regional planning. He wanted to work together as neighbors and not adversaries and stated there are other areas nearby which would eventually meet the Town's needs as the area grows.

Tom Sly, a resident of Hideout, thanked the Mayor and Council for the opportunity to speak. He opposed the annexation and expressed his belief this had been a poorly executed case of deception, hiding tax benefit under the veil of closer retail and recreational amenities. He believed the best approach was to work in collaboration with southern Wasatch County regional planning efforts to solve the current retail traffic, housing and recreational issues. He recognized the efforts town officials had invested in the community but felt the approach had damaged the reputation of Hideout and those that lived there. He urged town officials to work collaboratively with the adjoining communities and counties to find a resolution.

Amy Sage, a seven-year resident of the Retreat at Jordanelle, expressed her concern of adding a chairlift, stating it would add noise and decreased privacy in the neighborhood. She also felt the corridor, which was proposed along SR-248, and what having that corridor might bring to the major entrance and egress routes to the neighborhood was not being properly addressed. She wondered what, if any, easement the HOA (Homeowner's Association) would get.

Mary Christa Smith, a thirty (30)-year resident of Summit County, asked the Town to pause and reflect on Representative Quinn's comments. She reiterated his statement of the intent of the legislature was not to allow the sixty (60)-day window open for the Town to annex and asked Council Members to take him up on his offer to convene a group for regional collaboration.

Danny Barber, a resident of Park City and a lifetime Utah resident, had seen the growth in the area and stated it was a wonderful place to live. He urged Council to work with Summit County to continue to keep the area desirable for residents. He noted he had sent the results of a petition started with chang.org which had 876 signatures opposed to the annexation. *(Clerk's note: the petition was later included with the meeting materials.)*

Park City Council Member Max Doilney reiterated the position of the Park City Council opposing the annexation and stated if Hideout's Council would consider not moving forward with the annexation, they would work collaboratively to create a solution.

Angela Moschetta, a Park City Resident, strongly opposed the annexation, and suggested turning to Heber City to incorporate Hideout into their city boundaries.

Dana Williams, former Mayor of Park City, stated when he took office in 2002, there was nothing in Quinn's Junction except a cement plant and a power station. He was involved in the development of all four quadrants over a period of about twelve (12) years. He mentioned he was the soil scientist for the National Soil Conservation Service in 1974, which tested the land for its impacts with heavy metals. He stated those tests revealed lead and heavy metals were everywhere in the soil. He reiterated previous suggestions of approaching the annexation regionally and forming relationships with neighboring communities in order to create more commercial retailers in the area.

David Bennett spoke stating Hideout was acting as if they were entitled to the land. He reiterated the importance of relationships with neighboring communities and felt the Town's relationships with Park City, Wasatch County and Summit County would forever be compromised as a result of this process. He suggested Senator Winterton and Representative Quinn convene a meeting between parties to see if an agreement could be reached. He asked Council to reconsider the annexation proposal.

Summit County Council Member Roger Armstrong stated he had never heard of Summit County being in a lawsuit with its neighboring communities, and instead had worked collaboratively on the biggest issues faced in the Wasatch Back. He stated Hideout's first proposal of intent to annex was announced in 2019 and was met with objection. However, Summit County Council offered to work with Hideout to try to understand the challenges and collaborate on mutually beneficial solutions. No further communication was had until the annexation attempt in 2020. He stated a collaborative process would have been a positive in order to address significant issues including the EPA (Environmental Protection Agency) Superfund Site which abuts the proposed annexation area. He noted the area was important, particularly as it relates to its interaction with Park City's contaminated soils disposal and the ultimate cleanup of the contaminated soils in the Highway 40 corridor. He addressed the need for basic services such as water, sewer, utilities, police and fire, and stated roads, traffic and transportation issues were also critical. He was concerned these services could have cost impacts on Hideout residents and Summit County residents, and some of those costs would be paid through tax increases that Hideout residents may not be willing to bear. He stated the feasibility process should have been driven by Hideout, Wasatch County, Summit County, and Park City, which would have been a regional collaboration and more likely to result in real and productive solutions. He expressed his concern of when the developer finished Hideout, problems would be left with no other solutions. He stated the value of the Wasatch Back was to escape suburban and urban areas and enjoy the rural nature, trails, ski resorts and open spaces for recreation. He urged Hideout to stop the annexation process and find a better sustainable, efficient and thoughtful process to address the issues and find solutions.

Rich Wyman expressed his thoughts of the process being amateur and unprofessional, and reiterated previous comments made during the meeting were opposed to the annexation.

Park City Mayor Andy Beerman expressed Park City's strong objection to the annexation. He noted Park City was sympathetic to Hideout's needs but felt this was the wrong way to approach the solution and stated there were reasons why a traditional annexation process exists. He restated Council Member Armstrong's comments regarding the land being next to an EPA Superfund cleanup site and repository, which was currently in litigation. He felt Hideout would regret owning and working in those soils as Park City has. He spoke of his concern of building new roads through the Black Rock and Park City Heights area and how it would not sustain commercial development, but it would destroy those neighborhoods. He stated moving forward with the annexation would not create regional relationships and would have the opposite effect. He asked Council to work regionally with the neighboring communities to find a solution.

Alex Butwinski, a former Council Member of Park City, stated these types of annexations take a long time due to needing a development agreement in place which would address the various needed services. He urged Council to reconsider pushing the annexation through.

Sean Phillipoom spoke in support of the annexation and noted how difficult it was to show support amidst the negativity surrounding it. He stated just because there were 170 people logged into the Zoom meeting opposing the annexation, it did not mean there were not a large majority of residents supporting it.

Joy Rocklin, a Black Rock Ridge resident, opposed the annexation and pointed out Hideout's website stated six new areas were under development and advertised open space and acreage. She inquired if some residential areas could be rezoned to commercial and urged Hideout to stop the annexation and work with neighboring cities.

Steven Grayson, a Park City resident, noted the unanimous comments opposing the annexation and felt the developer was only interested in the annexation in order to benefit financially.

John Labrum, a Park City resident, expressed residents' enjoyment of the Wasatch Back's recreation and open space. He was concerned the legislative process was deceitful and felt the Utah Legislature put time and energy into repealing the bill. He was amazed Hideout was continuing to move forward with the annexation when neighboring communities had stated they would work collaboratively in order to find a solution.

John Leone, a resident of Hideout, felt the annexation was rushed and urged Council to work with neighboring communities to reach a mutual decision. He agreed the Town needed commercial and retail services but wanted to do it in a more collaborative way with Summit County.

Colin DeFord, a former Planning Commissioner of Centerville Basin, felt the annexation was primarily a sales tax consideration to support the Town. He understood the Town (as a whole) was pushed through and there was no consideration from the developers on how to sustain the Town, and now the Town was looking for help. He felt there was a way to support the Town, but it needed to be creative in doing it. He was not convinced Hideout wanted regional collaboration and stated the only winner in this deal would be the developer.

Chris Ensign, a landowner in Hideout, was surprised by the negative outlook. He had worked with the Hideout Planning Commission and Town Council and felt it was a capable group of leaders which could make the project work well. He spoke of the development of Kimball Junction and noted the similarity of this annexation project. He asked Park City to be good neighbors and support the Town and its future.

Eric Davenport, general counsel for Holmes Homes, spoke in favor of the project. As he understood, all the issues which had been raised as it related to the project had been appropriately addressed and the appropriate steps had been followed. He noted Utah was a growing state, and this was a growing area. He expressed his thoughts about the hypocrisy of residents moving into an area but then attempting to stop any further development.

Kamas City Mayor Matt McCormick echoed many of the comments already made wanting regional planning and working with Park City, Summit County and Wasatch County and even Kamas in order to build relationships and work toward a solution.

Summit County Council Member Chris Robinson stated Summit County would like a good relationship with Hideout, Wasatch County and surrounding communities. He expressed concerns of Hideout proceeding with the annexation, how relationships may be strained between all involved. He reiterated Summit County's desire to work with Hideout and the surrounding jurisdictions and stakeholders in a positive, constructive way. He urged Hideout to reconsider pursuing the annexation at this time.

Madison Keller was in support of the annexation. She noted Park City officials stated they did not want this type of development within their boundaries but were adding a bigger development behind the Outlets. She added Summit County was developing behind the Home Depot as well. She noted Summit County had been in a lawsuit and lost for stifling development on the film studio parcel. She expressed her support of the development in Hideout, Summit County and Park City, but did not support the hypocrisy of Park City and Summit County's stance on the matter.

Sally Elliott expressed her concern of a bad public process and not receiving enough public input. She felt by giving the process more time, a resolution could be found.

Spencer Knight, a Park City resident, spoke in support of the development. He and his wife rent a home in Park City and work at the ski resort. He expressed he would like to own a home in the area and the proposal of affordable housing would provide a way for him to do that.

James Doilney, a Park City resident and former member of the Park City Council, stated his opposition to the annexation and felt if the annexation were to move forward, it would be done in conflict with state lawmakers' intent and would forever stain the reputation of the Town.

There being no further comments from the public, Mayor Rubin closed public input at 8:49 p.m.

Council Member Jerry Dwinell expressed his appreciation for those who took the time to provide comments and stated it was informative and helpful in the decision-making process. Other Council Members agreed.

IV. Meeting Adjournment

There being no further business, Mayor Rubin asked for a motion to adjourn the meeting.

Motion: Council Member Dwinell moved to adjourn the meeting. Council Member Severini made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed.

The meeting adjourned at 8:51 p.m.



Alicia Fairbourne
Alicia Fairbourne, Town Clerk