

Minutes
Town of Hideout
Planning Commission Regular Meeting and Public Hearings
June 16, 2022
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Special Meeting and Public Hearing on June 16, 2022 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting and Public Hearings

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:05 PM and referenced the current No Anchor Site letter which was included in the meeting materials. All attendees were present electronically.

II. Roll Call

PRESENT:

Chair Tony Matyszczyk
Commissioner Jonathan Gunn
Commissioner Ryan Sapp
Commissioner Glynnis Tihansky
Commissioner Donna Turner
Commissioner Rachel Cooper (alternate) *joined at approximately 6:50 PM*

STAFF PRESENT:

Thomas Eddington, Town Planner
Polly McLean, Town Attorney
Timm Dixon, Head of Engineering and Public Works
Daniel Allen, Head of Public Works
Alicia Fairbourne, Town Clerk
Kathleen Hopkins, Deputy Town Clerk

OTHERS IN ATTENDANCE: Chris Ensign, Jason Gyllenskog, Carol Tomas, Larry Eisenfeld, Sheri Jacobs, Bill Frisby and others who may not have signed in using proper names in Zoom.

III. Approval of Meeting Minutes

There were no comments on the draft minutes of the May 19, 2022 and June 2, 2022 Planning Commission meetings.

Motion: Commissioner Tihansky made the motion to approve the May 19, 2022 Planning Commission Minutes. Commissioner Turner made the second. Voting Yes: Commissioners Gunn, Matyszczyk, Sapp, Tihansky, and Turner. Voting No: None. The motion carried.

Motion: Commissioner Tihansky made the motion to approve the June 2, 2022 Planning Commission Minutes. Commissioner Turner made the second. Voting Yes: Commissioners Gunn, Matyszczyk, Sapp, Tihansky, and Turner. Voting No: None. The motion carried.

IV. Public Hearings

Chair Matyszczyk requested the agenda be reordered to address the KLAIM Phase 4 matter and Public Hearing first.

1. Discuss and possibly make a recommendation to Town Council regarding the final plat for KLAIM Phase 4 subdivision

Town Planner Thomas Eddington provided background on this matter and noted KLAIM Phase 3 had been approved in January 2022 and this discussion was to review the final Phase. Mr. Eddington stated Phase 4 would consist of the final fourteen lots of the total 88 lot subdivision. He noted the Master Development Agreement (MDA) was originally approved in 2017, however the KLAIM developer would meet the current Town Code.

Mr. Eddington referred to the Staff Report and highlighted the section regarding the General Standards Monotony Clause adopted in 2021. He noted the limitations the developer had in altering much of the plan's design given the fact that Phases 1-3 were already completed or under construction and it would be preferable for Phase 4 to conform with the existing design as much as possible. He noted there were not many options for varying setbacks or building heights given the topography of the property. Given these factors, he noted the developer could not meet the new code standard with respect to the Monotony Clause and would need seek a variance.

Commissioner Jonathan Gunn asked whether varying roof lines and heights could be incorporated in the design. Mr. Eddington responded it would be difficult to significantly alter them given the planned building layout, need to avoid blocking neighboring views and to comply with building height restrictions. Mr. Chris Ensign, KLAIM developer, stated he understood the background on the Monotony Clause, but noted it would be difficult to alter much of the design at this stage of development. He noted the design did utilize different porch heights, garage doors, roof lines and other exterior details. He added with the current supply chain challenges, the lumber and materials had been ordered over a year ago.

Commissioner Gunn asked what options were available to create more variation. Mr. Ensign responded there were three new colors added to the exterior finishes which would be impactful. Mr. Eddington added it would be difficult to make changes to window size and placement without altering the floor plans, and he did not think the overall aesthetic would be enhanced if these final units looked substantially different than the rest of the development. Commissioner Ryan Sapp agreed it could look bad to substantially alter the appearance of this Phase.

Commissioner Gunn asked about plans and standards for the trail system, whether the trails would be turned over to the Town and if so, what costs would be the responsibility of the Town. Mr. Eddington responded the developer would work with the Town's Parks, Open Space and Trails (POST) Committee to design the trails. He noted the trails would be on the development's common space and maintained by the KLAIM Homeowners Association (HOA). In response to a question from Commissioner Gunn, Mr. Eddington stated these details for trail maintenance responsibilities were covered in the MDA. Mr. Eddington agreed to add this item to the approval resolution.

Commissioner Gunn asked for more detail on undisturbed and revegetated land. Mr. Eddington responded most of the 43 acres of open space would be undisturbed with the exception of the trails. Mr. Ensign stated there were no current plans for any structures in the open space, however he could foresee installing benches along the trails.

Commissioner Gunn suggested inclusion of language in the conditions of approval to add Wasatch County Emergency Response (EMS) in addition to Wasatch County Fire District. Mr. Eddington

stated he would continue to coordinate with the developer and the design review committee to finalize the design details but noted a variance would be needed for items that did not meet current Town Code, specifically regarding the Monotony Clause. He added any variance requests would be decided by an Administrative Law Judge, rather than approved by either Planning Commission or Town Council. Town Attorney Polly McLean confirmed the process to obtain a variance was separate from Planning Commission approval.

Mr. Eddington asked if the developer had any updates on the Storm Water Protection Plan (SWPP) and drainage protections regarding the stockpile from excavation. Mr. Ensign responded he would continue to follow procedures regarding the SWPP and execute the landscape plans at each stage of construction completion to revegetate the disturbed lands and the stockpile. He noted the hillside with excavated soil from Phase 1 was scheduled to be revegetated this summer and he expected the entire development would be landscaped and/or revegetated before the end of the 2023 planting season. He noted the hillside with excavated stockpile was periodically inspected by the Town Engineer. In response to a question from Mr. Timm Dixon, Head of Engineering and Public Works, Mr. Ensign stated he would confirm Mr. Dixon's understanding that the stockpiled hillside would be graded and re-seeded by July 15, 2022.

There being no further questions from the Planning Commissioners, Chair Matyszczyk opened the Public Hearing at 6:39 PM. There were no public comments. The Public Hearing was closed at 6:40 PM.

Mr. Eddington suggested if the Planning Commission voted to recommend approval of this matter to Town Council, the Applicant would be subject the terms of the Monotony Clause unless a variance approval was obtained separately from an Administrative Law Judge. He added he would continue to work with Mr. Ensign's team to incorporate subtle changes in colors to vary the design to the extent feasible.

Mr. Eddington summarized the conditions of approval to be included in motion.

Motion: Commissioner Tihansky moved make a positive recommendation to the Town Council to approve Phase 4 of the KLAIM Subdivision subject to the Conditions of Approval listed in the Staff Report which would be amended to reflect 1) clarification in the MDA of the KLAIM HOA's responsibility for trail maintenance; 2) clarification of open space and undisturbed lands to remain so with the exception of trails which would be approved by the Town's POST Committee; 3) addition of Wasatch County EMS language to Paragraph 7E as discussed; and 4) the requirement to seek a variance from the Administrative Law Judge regarding compliance with the Monotony Clause as discussed. Commissioner Gunn made the second. Voting Yes: Commissioners Gunn, Matyszczyk, Sapp, Tihansky and Tuner. Voting No: None. The motion carried.

Mr. Ensign was excused and departed the meeting.

V. Agenda Items

1. Presentation and discussion of the June 2022 Hideout Resident Survey Results

Commissioner Glynnis Tihansky noted the recurring comments suggesting the dissolution of the Town of Hideout and asked whether this was feasible. Ms. Polly McLean responded there was a process to disincorporate a town outlined in Utah State Code, but she was not familiar with the specific steps. She added this was the only time she had heard such a comment.

Commissioner Gunn summarized what he heard in the responses included the community's desire for more commercial development and less residential development but not with higher property taxes to support such development. He also noted there was not popular support for nightly rentals,

and in general the community desired some commercial development such as restaurant(s) and a convenience store.

Mr. Eddington agreed there was strong support for some level of commercial development and he discussed a review underway to consider such development on any of the Town-owned parcels throughout the town. He noted the Town owns 10-15 acres near the Ross Creek entrance which might be utilized. Commissioner Tihansky asked if some portion of the land in Deer Springs near Jordanelle Parkway could be developed. Mr. Eddington responded yes, that was in discussion.

Commissioner Gunn asked how this development might be created and if the Town had considered engaging with local community partners such as the Park City Chamber of Commerce or Rotary Club to seek potential interested business partners. Mr. Eddington responded that was a good idea, but the first step would be to create a plan for the potential sites and make any necessary zoning changes.

Commissioner Rachel Cooper noted the comments heard from several developers that commercial development would not be profitable given the current residential makeup of the town and asked how the Town could attract a commercial builder given these conditions. Mr. Eddington acknowledged this was true, however incentives could be offered to help attract the desired businesses. Commissioner Gunn suggested reaching out to such business owners to determine what would attract them to a location in Hideout.

Commissioner Donna Turner asked if there were plans to share these survey results with the community. Town Clerk Alicia Fairbourne stated this had not yet been decided but would be discussed at the next Town Council meeting. Commissioner Turner stated the survey indicated the community wanted a happy medium, for example to have a hotel and a restaurant or two, but without increasing density. She noted this was at odds with what was heard from the developers of the Boulders project who were not able to profitably deliver such a tradeoff.

Commissioner Gunn added he had spoken with a developer who stated a development of 85 homes would not generate sufficient revenues to cover the cost of the necessary infrastructure expenditures. Mr. Eddington discussed potential "cluster" developments which could leave more open space and group houses closer together to minimize infrastructure construction costs.

IV. Public Hearings (continued)

2. **Discuss and possibly make a recommendation to Town Council regarding an amendment of the Official Town of Hideout Zoning Map to rezone 1.81 acres of land within the Town of Hideout boundaries beginning at a rebar and aluminum cap alongside a 4X4 wooden post representing the most easterly corner of mineral survey 6968, Star No. 7 Lode, said point being S00°07'03"E 564.53 feet along the section line and S89°52'27"W 73.88 feet from the known location of a stone monument at the northeast corner of Section 21, Township 2 South, Range 5 East, Salt Lake Base and Meridian; thence along the southerly line of said Star No. 7 Lode S58°35'59"W 451.79 feet to a point on the Golden Eagle Road right-of-way line, said point being the beginning of a non-tangent curve concave to the southeast having a radius of 429 feet, and to which a radial line bears N89°47'58"W; thence along said right-of-way the following two courses: (1) 309.32 feet along said curve through a central angle of the 41°18'43", with a chord bearing and distance of N20°51'23"E 302.66 feet; (2) N41°30'43"E 261.97 feet to the easterly line of said Star Lode No. 7; thence along said easterly line of Star No. 7 Lode S23°09'57"E 264.98 feet to the point of beginning. The**

basis of bearings is S00°07'03"E 2659.78 feet between the known location of a stone monument at the northeast corner of Section 21 and a found monument at the east ¼ corner of Section 21, Township 2 South, Range 5 East, Salt Lake Base and Meridian (the "Gyllenskog Property") from Mountain Residential (M) to Residential 3 (R3).

Mr. Eddington provided an overview of the Staff Report which discussed this 1.8-acre property located near Golden Eagle Road which the applicant, Mr. Jason Gyllenskog was interested in developing as three single family home lots. He stated the property was currently zoned Mountain and the applicant was requesting a rezone to R-3 to create 3 lots. He noted the property was not currently a legal lot of record, so would need to be properly recorded as a buildable lot before proceeding any further. He noted this property did not connect with the Salzman/Boulders property under review.

Commissioner Tihansky asked about the slope of the parcel. Mr. Gyllenskog responded the topography was relatively flat with the proposed building sites to be on the upslope. Mr. Gyllenskog provided background on the property which had previously been part of the Wasatch County Master Plan prior to being adopted into Hideout at the Town's inception. The prior Wasatch County zoning allowed for residential medium density with some commercial and civic usage which would have accommodated this request to build three homes. However, when the land became part of Hideout, it was zoned as Mountain which reduced his options to a single home. He stated his intention was to build three single family homes, including his own residence. He also stated he had been unsuccessful in his attempts to connect with other adjacent parcel owners to discuss broader development options. Mr. Gyllenskog also noted the property had sufficient road frontage and he had secured 3 acre feet of water which he would turn over to the Town if this development request was approved.

Mr. Eddington stated a rezone request would require compliance with the Town's General Plan which did not support increased density. He added this request for a spot rezone could not be granted by the Planning Commission as it was not supported by the General Plan and suggested the Town explore a broader holistic plan in partnership with the surrounding property owners before granting a rezone on this small parcel and/or amending the General Plan.

Mr. Gyllenskog noted one of the adjacent properties was 14 acres and asked if, in combination with his property, would a larger project be viewed as more favorably for a potential rezone. Mr. Eddington responded it would depend on how such a project would adhere to the General Plan.

Commissioner Turner asked if the adjacent parcels were owned by the Golden Eagle developer. Mr. Gyllenskog responded the property to the east of his parcel was owned by another entity than the Golden Eagle developer and noted the parcel to the east was only partially located within the Hideout border and partially in Wasatch County. Mr. Gyllenskog stated he was amenable to discussing a potential commercial development for his parcel if the Town was interested and could partner with the neighboring property owner, but he hoped to develop it either way. Mr. Eddington suggested the Town consider meeting with the owner of the adjacent parcels to explore broader planning and development options.

Commissioner Gunn asked if the 3 acre feet of water Mr. Gyllenskog had secured was adequate for three homes. Mr. Gyllenskog replied he believed it was sufficient and could provide a small excess water supply to the Town.

Mr. Eddington suggested the Planning Commission postpone taking a vote on this matter until 1) the applicant properly recorded the property as a legal buildable lot with Wasatch County and 2) the Town explore broader planning and development opportunities to include the adjacent property owners which might be more in line with the General Plan before recommending a zoning change.

There being no further questions from the Planning Commissioners, Chair Matyszczyk opened the Public Hearing at 7:23 PM. There were no public comments. The Public Hearing was closed at 7:24 PM.

Motion: Commissioner Gunn made the motion to continue this matter a date uncertain. Commissioner Turner made the second. Voting Yes: Commissioners Gunn, Matyszczyk, Sapp, Tihansky, and Turner. Voting No: None. The motion carried.

3. Continued discussion and possible recommendation to the Hideout Town Council regarding a review of amendments made to the Boulders MDA including text amendments to the Hideout Municipal Code under this MDA and a site-specific density increase of 530 ERU's – CONTINUED FROM JUNE 3, 2022

Chair Matyszczyk reported the applicant had requested this matter be continued to a later date. There being no questions or comments from the Planning Commissioners, Chair Matyszczyk opened the Public Hearing at 7:26 PM. There were no public comments. The Public Hearing was closed at 7:27 PM.

Ms. Fairbourne stated the applicant had requested a Special Meeting on June 30, 2022 to continue the discussion of this matter. Chair Matyszczyk stated as the applicant had not yet supplied the updated materials for review, he was not supportive of scheduling another meeting until these materials had been received and the Planning Commissioners had sufficient time to review them.

Ms. McLean noted this matter was an important decision for the Planning Commissioners to consider and suggested it be continued to a date uncertain and be re-noticed if all the Planning Commissioners were not available for a June 30 meeting.

Motion: Commissioner Tihansky made the motion to continue this matter to a date uncertain. Commissioner Gunn made the second. Voting Yes: Commissioners Gunn, Matyszczyk, Sapp, Tihansky, and Turner. Voting No: None. The motion carried.

V. Meeting Adjournment

There being no further business, Chair Matyszczyk asked for a motion to adjourn.

Motion: Commissioner Tihansky moved to adjourn the meeting. Commissioner Turner made the second. Voting Yes: Commissioners Gunn, Matyszczyk, Sapp, Tihansky and Turner. Voting No: None. The motion carried.

The meeting adjourned at 7:41 PM.

Kathleen Hopkins, Deputy Town Clerk