

Minutes
Town of Hideout Planning Commission
Regular Meeting and Public Hearing
November 21, 2024
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on November 21, 2024 at 6:00 PM in person and electronically via Zoom meeting.

Regular Meeting and Public Hearing

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:01 PM and reminded participants that this was a hybrid meeting held both electronically and in-person.

II. Roll Call

Present: Chair Tony Matyszczyk
Commissioner Rachel Cooper
Commissioner Joel Pieper
Commissioner Glynnis Tihansky
Commissioner Donna Turner

Excused: Commissioner Peter Ginsberg (alternate)
Commissioner Chase Winder (alternate)

Staff Present: Alicia Fairbourne, Recorder for Hideout
Kathleen Hopkins, Deputy Recorder for Hideout

Staff Attending Remotely: Jan McCosh, Town Administrator
Polly McLean, Town Attorney
Thomas Eddington, Town Planner
Gordon Miner, Town Engineer

Public Present: Jim Lopiccola, Marisa Lopiccola and William Woolf.

Public Attending Remotely: Jay Springer, Andy Badger, Brant Swander, Tim Schoen, Diane Schoen, Jerry Crylen, Kurt Basford, Nate Brockbank, David Chawaga, Trish Crossin, Eric Davenport, Earl Dickerson, Scott DuBois, Jonathan Gunn, Carol Haselton, Tom Longhi, Jack Walkenhorst, Paul Watson and others who may not have signed in using proper names in Zoom.

III. Approval of Meeting Minutes

1. October 17, 2024 Planning Commission Minutes DRAFT

There were no comments on the October 17, 2024 draft minutes.

Motion: Commissioner Turner moved to approve the October 17, 2024 Planning Commission Minutes. Commissioner Pieper made the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper and Commissioner Turner. Voting No: None. Abstaining from Voting: Commissioner Tihansky. Absent from Voting: None. The motion carried.

IV. Public Hearings

Chair Matyszczyk stated that due to the full agenda, each discussion item would be limited to thirty minutes, and items may be continued to the next meeting as necessary.

1. Discussion and possible recommendation to Town Council regarding a final Subdivision approval for the Shoreline Phase 4 subdivision.

Chair Matyszczyk reported the applicant had requested this matter be continued to a date certain of December 19, 2024 at 6:00 PM.

Motion: Commissioner Pieper moved to continue the discussion and possible recommendation to Town Council regarding a final Subdivision Approval of Shoreline Phase 4 subdivision to the December 19, 2024 6:00 PM Planning Commission meeting. Commissioner Cooper made the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Abstaining from Voting: None. Absent from Voting: None. The motion carried.

2. Discussion and possible recommendation to the Hideout Town Council of an Ordinance regarding updates related to subdivision procedures pursuant to Senate Bill 174 (2023) and House Bill 476 (2024), including technical corrections, and amendments to Hideout Municipal Code Titles 3, 8, 9, 10, 11, 12, and 13.

Chair Matyszczyk introduced Mr. Jay Springer to lead the discussion of this matter.

Mr. Springer, an attorney with Smith Hartvigsen, provided an update on the procedures and proposed amendments to Town Code required to comply with this new state legislation. He reviewed the current markups to sections of Town Code which had changed since the October Planning Commission meeting, noted he had made a preliminary presentation to the Town Council on this material, and reminded the Planning Commissioners of the December 31, 2024 deadline for adoption. He reiterated these procedure changes were limited to single-family, two-family and townhome subdivisions.

Town Attorney Polly McLean requested several clarifications which Mr. Springer agreed to incorporate. Chair Matyszczyk asked what would happen if these changes were not approved; Mr. Springer responded the State statutes would still need to be complied with, however without the specific procedures detailed in the proposed Code changes which could be less favorable to the Town. Chair Matyszczyk also asked how applications under review prior to the December 31, 2024 deadline would be treated. Mr. Springer replied such applications would be considered under the Code in place when submitted.

Ms. McLean shared a draft enabling Ordinance which would be included in the updated meeting materials. Commissioner Glynnis Tihansky asked for clarification on how the Planning Commission would be designated as the Administrative Land Use Authority but not make final approvals. Mr. Springer explained the preliminary presentations made to the Planning Commission would include all the detailed information necessary so that the Final Approval would be administrative and would not be substantively different than what the Planning Commission approved as Preliminary.

The meeting was opened for public comment at 6:29 PM; there was no public comment, and the public hearing was closed at 6:31 PM.

Motion: Commissioner Pieper moved to make a positive recommendation to Town Council regarding updates related to subdivision procedures pursuant to Senate Bill 174 (2023) and House Bill 476 (2024), including technical corrections, and amendments to Hideout Municipal Code Titles 3, 8, 9, 10, 11, 12, and 13, including the draft Ordinance as discussed. Commissioner Turner made the second. Voting Yes: Commissioner Cooper, Commissioner Pieper and Commissioner Turner. Voting No: Chair Matyszczyk and Commissioner Tihansky. Abstaining from Voting: None. Absent from Voting: None. The motion carried.

Ms. McLean asked why Chair Matyszczyk and Commissioner Tihansky had voted against the proposal. Chair Matyszczyk responded that he felt the new legislation was an overreach by the State in favor of developers; Commissioner Tihansky stated she felt the Town Council should have the final say on such matters.

3. Consideration of a proposal for a conditional use permit from Rocky Mountain Power regarding the Wildfire Mitigation Project, which would rebuild existing 46kV transmission lines.

Town Planner Thomas Eddington referred to the materials distributed prior to the meeting and discussed the planned project for Rocky Mountain Power (RMP) to rebuild a portion of an existing 5.8-mile 46kV transmission line including approximately 3.5 miles located throughout Hideout. Per Town zoning and State code requirements, a Conditional Use Permit (CUP) is required for this type of work.

This work would be conducted within the existing 40-foot easements where these existing overhead electrical lines were located, with 42 poles to be upgraded from existing wooden poles to Corten steel poles. Mr. Eddington referred to the map which showed the pole locations, and a table which detailed each new pole height, which in general would all be taller than the existing by between 5- and 15 feet. Mr. Eddington also noted the Open House hosted by RMP earlier this year where the project was presented to the community.

Messrs. Andy Badger and Brant Swander, representatives of RMP, were introduced and answered a variety of questions. They confirmed all new poles would be Corten steel, access to the right-of-way would be coordinated with property owners, and all disturbed areas would be re-vegetated. Any trees removed from areas below the transmission lines within the utility easement would not be replaced as part of this project which was intended to mitigate wildfire risks.

Mr. Eddington discussed the proposed conditions of approval listed in the Staff Report. Commissioner Donna Turner asked how the new steel poles would mitigate wildfire risk, and if this was a State-wide program or just related to our area. Mr. Badger stated this was a State-wide initiative passed in 2020 and required RMP to develop such a plan, which included higher transmission lines for greater ground clearance and replacement of wood poles which were more likely to burn in a fire event.

In response to a question from Commissioner Joel Pieper regarding other upgrades along SR-248, Mr. Badger responded there would be future work undertaken for other lines that were not included in this project. Commissioner Tihansky asked if the taller were engineered to withstand high winds. Mr. Badger replied that engineering had factored in wind conditions.

There being no further questions from the Planning Commissioners, the Public Hearing was opened at 6:56 PM.

Mr. Jim Lopicola, resident in Lakeview Estates, asked why these lines could not be buried, and shared his concerns with the higher profile poles having a negative impact on his views and property values. Mr. Badger replied that burial of transmission lines was very expensive with costs passed on to rate payers (approximately \$40 million), and maintenance was more difficult for buried lines.

Mr. Badger stated the RMP team had walked the existing easement and was confident the new poles would each be located within 5-feet or so of the existing poles.

Mr. David Chawaga, resident on Star Gazer Drive Circle shared his concerns with the larger poles having a negative impact on his views and property values. Chair Matyszczyk stated this was a State mandated project. Mr. Badger noted these lines had been in place for decades and could not be relocated.

Mr. Lopicola asked if the pole heights had to be increased as much as indicated. Mr. Badger responded the design plan accounted for the area's topography, ground clearance maintenance, pole stress factors and weight which all needed to meet acceptable standards for fire mitigation. In response to a question from Mr. Eddington regarding whether this project planned for any redundancies, Mr. Badger stated no, this project did not include such planning. In response to a question from Commissioner Pieper regarding the age of the current poles, Mr. Swander stated some were as old as 69 years.

There being no further public comment, the Public Hearing was closed at 7:13 PM.

Mr. Eddington stated that this land use approval (Conditional Use Permit) was solely a matter for the Planning Commission and would not go to the Town Council. Commissioner Rachel Cooper suggested ongoing communication be provided to Hideout residents as construction commences. She also asked if there would be any service disruptions planned during construction. Mr. Swander expected there would be a one-to-three-hour service outage when service was transferred to the new lines, and advance notice would be provided to the Town and residents. Upon completion of all approvals, the RMP team hoped to begin the project in the spring of 2025.

Commissioner Turner asked what would happen if this approval was not granted. Mr. Badger responded the project was within RMP's rights to operate and maintain these lines, and other legal and administrative avenues could be pursued to move forward without the Town's approval. He noted similar CUP approvals had already been received by Summit and Wasatch Counties.

Ms. McLean stated CUP standards are defined by State Code, and as long as the applicant can show impacts can be reasonably mitigated, there really are no grounds for the Town not to grant the approval. Mr. Eddington reviewed the proposed conditions for approval detailed in the Staff Report, and suggested clarifications to item 3 regarding access to the construction sites from private lands, and item 5 regarding a minimum 10-foot trail access throughout the area.

Commissioner Tihansky asked if a condition should be added requiring RMP to provide a proposed timeline and project updates. Mr. Badger stated it was his experience to work closely with communities on such communication, however the inclusion of specific conditions of use was not the norm. He agreed to provide these communications and timelines as available. Commissioner Cooper asked how long the project would take; Mr. Swander estimated it would take approximately two to three months.

Motion: Commissioner Tihansky moved to approve a conditional use permit from Rocky Mountain Power regarding the Wildfire Mitigation Project, which would rebuild existing 46kV transmission lines, with clarifications to items 3 and 5 in the conditions as discussed. Commissioner Pieper made the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Abstaining from Voting: None. Absent from Voting: None. The motion carried.

4. Discussion regarding an amendment of the Official Town of Hideout Zoning Map to rezone parcel 00-0020-8164 (Wildhorse Development) from Mountain (M) zone to Neighborhood Mixed Use (NMU). This development is located on the northern side of SR-248, between the Woolf property and the Klaim Subdivision.

Mr. Eddington provided an overview of the updated design for the proposed mixed commercial project which reflected a lower building height to comply with a twenty-foot height restriction easement and a larger footprint than the prior submission. He noted the revised plan included more retaining walls in the front and back of the building. He also discussed several issues which had been highlighted in the Staff Report regarding 30% maximum slopes and setbacks which did not conform to existing zoning code.

Ms. McLean reminded the Planning Commissioners this was a work session only to provide feedback on the concept. The matter would not be voted on until a more complete proposal was provided.

Mr. Tim Schoen and Ms. Diane Schoen, applicants, were in attendance and introduced members of their team including Mr. Tom Longhi, architect, Mr. Jerry Crylen, development advisor, and Kurt Basford, architect. Mr. Schoen discussed the evolution of the project which the team had been working on for eighteen months and in which they attempted to meet the objectives set forth in Hideout's General Plan, including bringing commercial development to the Town. Mr. Crylen discussed some of the constraints presented by the building height restriction which led to a redesign of a single-story structure, as well as the steep slopes of the property which have re-sited the building beyond the previously proposed footprint. He also noted the current proposal reflected the Fire District's request for a secondary access road. The proposed plan would require variances from the current zoning code to accommodate the retaining walls and setback requirements from the property line along the SR-248 boundary.

Commissioner Tihansky stated she liked the new design but asked how it might be reconfigured to minimize retaining walls. Mr. Basford replied the retaining wall design would be terraced, and he discussed some of the challenges with stretching the new design along the property and finding the best elevation to accommodate the design.

Commissioner Pieper asked for clarification on the setbacks, and if they were measured from the building or the exterior plaza structure before the retaining walls. Mr. Eddington stated the zoning required 25-foot setbacks, but the setback along the SR-248 right-of-way required a 50-foot setback pursuant to Town Code. Mr. Crylen noted the building was sited 150 feet from SR-248 (the paved road), which would not encroach on the neighboring property.

Commissioner Tihansky asked about the roof over the patio, whether it would abate the noise coming from SR-248. Commissioner Cooper asked if a smaller building could reduce the amount of retaining walls. Discussion ensued regarding economic viability for a smaller project, as well as the need for more detailed analysis for the cut and fill required and a potential reduction of retaining walls.

Ms. McLean stated the Town could grant variances through a development agreement, but reminded the Planning Commissioners any re-zoning variance approvals would set a precedent for future development requests. She added the plans presented were still preliminary and did not provide details on the extent of potential variances to be requested.

Commissioner Turner stated she liked the look of the new design but was not comfortable with the degree of variance which might be requested. Mr. Schoen stated some of the variance matters could be mitigated upon completion of the civil engineering work.

Mr. Crylen pointed out the current design did not propose utilizing any of the adjacent Town-owned parcel for additional parking.

There being no further questions from the Planning Commissioners, the Public Hearing was opened at 8:10 PM.

Mr. William Woolf, resident and property owner on SR-248 adjacent to this property under discussion, shared his concerns with variances on setbacks, slopes and easements which were attempting to shoehorn a project that did not fit with the land. He also shared his concerns with the precedent that would be set by granting such variance requests. He asked that any structures specifically not exceed 20 feet from existing grade, and all heights be checked from existing grades be verified as compliant.

Mr. Earl Dickerson, resident in Klaim subdivision, shared his observations that the proposed deck area would be too close to SR-248 and would be negatively impacted by noise and exhaust from the highway. He asked if there was not a restaurant in the development, what type of business would go into the development.

There was no other public comment, the public hearing was closed at 8:16 PM.

Ms. McLean suggested the matter be continued to a date uncertain and re-noticed when new materials were submitted. Mr. Longhi asked for guidance on which variance requests were “no-go’s” and which might be more flexible. Mr. Eddington requested more detailed cross-section drawings to understand retaining wall heights and agreed to send the applicant links to zoning code.

Motion: Commissioner Tihansky moved to continue to a date uncertain the discussion regarding an amendment of the Official Town of Hideout Zoning Map to rezone parcel 00-0020-8164 (Wildhorse Development) from Mountain (M) zone to Neighborhood Mixed Use (NMU). This development is located on the northern side of SR-248, between the Wolf property and the Klaim Subdivision. Commissioner Pieper made the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Abstaining from Voting: None. Absent from Voting: None. The motion carried.

V. Agenda Items

1. Presentation and discussion of a concept plan for the Elk Horn Springs Development on parcels 00-0020-8182 and 00-0020-8184 ("the Salzman Property").

Mr. Eddington reviewed this matter and introduced the applicant Nate Brockbank and his team members Eric Davenport and Paul Watson who were all in attendance. It was noted that this project now included a second parcel.

Commissioner Tihansky noted this was the last piece of undeveloped land in Hideout and stated her desire to ensure the land was not stripped down unnecessarily for development, that the hilltop previously discussed remain intact, and as much open space as possible be preserved.

Discussion ensued regarding the current proposed map, density and open space. Mr. Brockbank discussed the planned design which limited retaining walls to four feet, and noted the rear lot setbacks could be altered in order to minimize land disturbance. Mr. Eddington asked about the roads and slopes; Mr. Watson reviewed the map with retaining wall design details. In response to a question from Commissioner Tihansky regarding the existing home on the property, Mr. Brockbank stated he expected it would be sold.

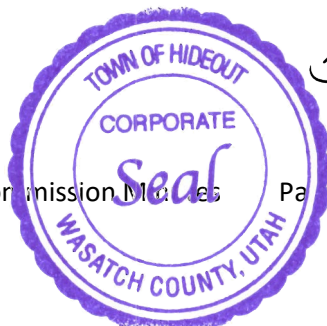
Mr. Eddington suggested options for staggering lots to provide additional areas of open space. Discussion ensued regarding distance of the commercial area from SR-248 and potential uses for the 17 acres to be dedicated to the Town which could include a community clubhouse for public use. Mr. Brockbank thanked the Planning Commissioners for their feedback and stated he would come back with updated plans.


VI. 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: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from Voting: None. The motion carried.

The meeting adjourned at 9:08 PM.




Kathleen Hopkins
Deputy Recorder for Hideout