

Town of Hideout
Planning Commission Meeting—Minutes in Draft Form
February 21, 2019
6:00 p.m.

REGULAR MEETING

The Planning Commission of the Town of Hideout, Wasatch County, Utah, met in **Regular Meeting** on February 21, 2019, in the Council Chambers located at 10860 N. Hideout Trail, Hideout, Wasatch, Utah,

Present: Jerry Dwinell, Chair
Ralph Severini, Vice Chair
Kurt Shadle, Member
Sara Goldkind, Member
Vytas Rupinkas, Member

Excused:

Also Present: Chris Baier, Council Member
Dan Dansie, Town Attorney – via telecommunication
Jan McCosh, Town Administrator

Public Comments From: Mr. Plumb, Walter Crumb, Paul Larsen, Paul Ziegler, Jerry Fields, Jeff Turner, Bob Edelberg, Melyssa Davidson

I. Pledge of Allegiance

II. Roll Call

Chair Dwinell called the Regular Planning Commission meeting to order. Planning Commission Members Dwinell, Severini, Shadle, Goldkind, and Rupinkas were present.

Chair Dwinell noted they had an amended agenda that was posted; he said that the original agenda omitted one item and the amended agenda was posted publicly and that the missing agenda item was properly noticed/published in the paper; therefore, they are covered from the notice perspective. The agenda that was posted last night mistakenly excluded one item off the agenda. The petitioners for that item has been pre-notified of the situation.

III. Minutes

Approval of minutes were deferred at this time.

IV. New Business

1. PUBLIC HEARING: Zoning Change Petition for Plumb Properties (Tax Parcel ID 20-9604) from Mountain to Residential Single Family, to be recommended to the Town Council for adoption.

Chair Dwinell reminded the Planning Commission that he sent out some instructions about rezoning in Hideout, that there are two conditions that allow the Town to approve rezoning petitions in Hideout according to code. The first is a rezone that advances the goals of the General Plan; the second is if there

1 is a significant change to the property or surrounding property. He went on to say if they do approve a
2 zone change it needed to be supported by one of those two conditions.

3
4 Chair Dwinell opened discussion to the Commission regarding the two criteria. There was no discussion.
5 Chair Dwinell turned the meeting over to the petitioner, Mr. Plumb.

6
7 Mr. Plumb indicated that it appeared to be sort of a conflict; the rezone petition is for a 3.88 parcel that
8 exists at the end of Longview Drive. The 3.88 acres on the county map is zoned Mountain, and on the
9 map provided by town staff indicated that it was zoned Resort Special Planning Area (RSPA). He
10 indicated the property is an isolated piece in the middle of an RVMD Zone depending on what map was
11 evaluated. He presented another map, which showed where the property was situated right now.

12
13 He noted there had been a plat submitted to Hideout for four, approximately one-acre lots. Even though
14 the density under the Residential Single Family Zone would be higher, they were only asking for a little
15 over nine-tenths of an acre lots.

16
17 Discussion followed regarding the area of Silver Sky. It is currently zoned for Residential Single Family.
18 Chair Dwinell noted the code was a little ambiguous; RSPA is a zone overlay that covers the majority of
19 the town. It is not a specific zone. He went on to say, right now you are currently surrounded by
20 Shoreline, which is currently as Resort Village Medium Density. Silver Sky, which directly abuts your
21 property, is Residential Single Family. He verified that the petitioner was asking for the same zoning as
22 Silver Sky. Mr. Plumb indicated that was correct.

23
24 Chair Dwinell stated that over time, all the land around Mr. Plumb had been rezoned, but his property was
25 not included. Mr. Plumb indicted it depended on what map they looked at. Chair Dwinell said the town
26 staff provided map showed the property as RSPA, which is just the zone the overlay. It does not indicate a
27 sub-zone.

28
29 Chair Dwinell clarified that Mr. Plumb was asking the sub-zone to be Residential Single Family. Chair
30 Dwinell said currently according to the county map, the property is zoned Mountain, which allowed him
31 one ERU per acre. He pointed out that Mr. Plumb had just shy of four acres, and his petition was to have
32 four lots on that property. Mr. Walter Crumb indicated that was correct.

33
34 Mr. Crumb explained that the plan included an emergency access to the townhomes next door.

35
36 Chair Dwinell noted there were some restrictions in the petitioners currently zoning. Only one ERU is
37 allowed. Additionally, there are frontage and setback restrictions. He went on to say based on the shape of
38 the property, it would make those frontage requirements imposable to put four lots on the property. Chair
39 Dwinell indicated the Mountain Zone would prohibit Mr. Plumb from developing four lots on the
40 property.

41
42 Mr. Plumb stated under the original plan for the property in 2012, there for 14 lots planned for the
43 property; however, they did away with that plan.

44
45 It was inquired if the access between Mr. Plumb's property and the townhomes would be an actual road
46 or just an unpaved emergency access road.

47
48 Mr. Paul Larsen, engineer, said that they were trying to rezone to match the surrounding property. It
49 became an island for whatever reasons, and now they are trying to do what everyone else around them has
50 done. He stated that the access road would be an emergency access road. He explained the original route

1 for Shoreline Drive was to go through their property, but that the connection to SR248 at Ross Creek had
2 already been rerouted around their project. He thought it was a good thing for the town.

3
4 Chair Dwinell ask the petitioners to show where the emergency access would be located. Mr. Larsen
5 showed the location of the emergency access and how it would connect in with the townhome
6 subdivision.

7
8 Commissioner Goldkind indicated that she was unable to see the emergency access proposal, and she
9 asked if the petition could explain it again. She said when she was looking at the description of the
10 Mountain Zone; one of the reasons to have a Mountain Zone was to protect the health, safety, welfare of
11 Hideout residents and to maintain access to appropriate fire and emergency access, and she would like to
12 be able to see that better.

13
14 Chair Dwinell pointed out the existing Longview Drive; he noted the through road had been rerouted
15 from the original plan. On the north end, the access road would allow Longview Dr to connect through
16 the Plumb property to the Shoreline subdivision. Longview dead-ends at the end of their property, and it
17 gives them the option to connect in to create another access route.

18
19 It was inquired if the Fire Marshall had reviewed the plan. Chair Dwinell indicated the proposal was a
20 zoning change; it was not a preliminary plan. He explained it did not go to the fire district until
21 preliminary approval. The petitioners indicated they had spoken with the fire district regarding the
22 proposal because of issues such as, water pressure and hydrants.

23
24 Commissioner Goldkind inquired if the emergency access road would go on the side of their homes. It
25 was explained there would be a cul-de-sac (or roundabout) in the middle of the property so it would bisect
26 the four properties.

27
28 Discussion followed regarding the original plan versus the proposed plan now. It was clarified what was
29 presented on the screen was what the county had mapped. The new plan was a little different. The road to
30 the right is the potential dirt road to give secondary access to the adjoining property.

31
32 Chair Dwinell said in his mind, the petitioner was looking to mimic what Silver Sky was doing, and they
33 are surrounded by a greater density. One concern would be if the petitioner wanted to develop multi-story
34 homes. The petitioner indicated they would keep the homes to two stories. They want to keep with the
35 theme of the area. Chair Dwinell indicated another concern would be protecting view shed. They want to
36 make sure they protect view shed.

37
38 Commissioner Goldkind stated that was her main question. She went on to say, she noticed in the zoning
39 code that the mountains restrict the building height to 35-feet; however, the Residential Single Family
40 Zone allowed the building height to be 35-feet or two and one-half stories. Would they be affecting other
41 people's view shed if they changed the zone to the Residential Single Family Zone and the homes would
42 be two and one-half stories, beyond 35-feet?

43
44 Chair Dwinell said he understood that, and explained that under Mountain Zone, they would be entitled to
45 the 35-feet. If they rezoned the property, they would be intitled for another approximately five-feet on top
46 of that.

47 The petitioners stated they were willing to limit the building height to 35-feet.

48
49 The proposed plan was discussed. It was inquired if the dashed lines were the expected footprints of the
50 expected homes. It was indicated it was not; it is the building envelop. The petitioners explained they
51 were interested in protecting the view shed.

1
2 The petitioner referred the Commission to the original 2011 proposal, which was 14 lot proposal (Hideout
3 file number 11-11879). Chair Dwinell said he understood the petitioner was requesting far less density
4 than the 2011 proposal.

5
6 At this time, Chair Dwinell opened the public hearing for public comment.

7
8 Mr. Paul Ziegler inquired about the emergency access road and if it was possible to allow community
9 pedestrian access through the area.

10
11 Chair Dwinell said another item on tonight's agenda was the Commissioner's recommendation to the
12 Town Council to formally create a committee for such things; that the committee would draft a plan to go
13 along with the town's newly adopted General Plan. He thought that was a great comment, and they would
14 consider that.

15
16 The Town Engineer said that with regard to the emergency access, they don't yet know what the fire
17 district is going to say about Silver Sky. He explained they are on the threshold of needing another
18 emergency access road. He went on to comment that the expectation was that the roadbed would be
19 graded, but that a meandering path would likely be placed on the roadbed until such a time as the
20 emergency access was needed. No one really knows when or if the Shoreline subdivision would connect.

21
22 It was inquired if the petitioner knew how many lots were currently in Silver Sky. It was said there was
23 thirty-something.

24
25 Discussion followed again regarding the proposed plan and the restrictions that the petitioners added to
26 the lots.

27
28 With no more public comments forthcoming, Chair Dwinell closed the public hearing.

29
30 Chair Dwinell noted that the Planning Commissioner was not an approval body; they were a
31 recommending body so any decision they make recommends or does not recommend a petition to the
32 Town Council. The Town Council is the legislative body, and they make the approval or declination.

33
34 Discussion followed if the motion should or should not include the limitation to a building height of 35-
35 feet. Mr. Dansie stated that the mechanism for the recommendation could be contingent on a development
36 agreement that limits the building height to "x". A development agreement is essentially a contract
37 between the developer and a town. The development agreement doesn't need to go before the Planning
38 Commission, but the Planning Commission could say it should say "x, y, and z". Chair Dwinell clarified
39 that when the rezone petition goes before the Town Council a Development Agreement would go forward
40 as well, and the two would be tied together. It was added if there was a recommendation, it would be
41 contingent upon the development agreement. Mr. Dansie indicated if that was what they want, that is the
42 way they would do it. He said they don't have to have a development agreement, but if they want the
43 developer bound to 35-feet and that is something they are willing to do, then that is the way to do it.

44
45 It was questioned if there were other items in the Residential Single Family Zone that should be part of
46 the zoning recommendation. It was said at some point other things would come forward during the
47 development application.

48
49 **Motion:** Commissioner Severini moved to recommend the change of zoning to Residential Single Family
50 with the contingency of it being accompanied by a development agreement restricting building
51 height to 35-feet. Commissioner Rupinkas made the second.

1 **Roll Call:** Commission Members Voting Aye: Commissioners Rupinkas, Severini, Shadle, Goldkind,
2 and Dwinell. Commissioner Members voting Nay: none. The motion passed unanimously.
3

4 **2. PUBLIC HEARING: Consideration and Possible Recommendation to the Town**
5 **Council for Approval of a Zone Change from Mountain Zone to Resort Village Medium**
6 **Density Zone for Sunrise Ridge Subdivision.**
7

8 Mr. Jerry Fields (attorney for the petitioner) addressed the Planning Commission. He noted that the
9 previous discussion covered a lot of concepts for what they are requesting for the parcel located below
10 Golden Eagle.
11

12 Mr. Fields indicted their request is a zone change from Mountain Zone to Resort Village Medium Density
13 Zone. He said rather than asking for a blanket zone change, with the potential change in use that would
14 come with that, they understand the Commission would want something binding the developer to know
15 that the first area would be commercial, one area residential single family and another area condominium.
16 He went on to say, if they wanted to propose any changes, they would have to come back and change the
17 plan. The plan is essentially a set of conditions that would be imposed upon the developer in connection
18 with the change in zone of the property.
19

20 Mr. Fields reminded that they came before the Commission last month to discuss the plan on an
21 informational basis. They went to the Town Council last week to get feedback from the Council. Some of
22 the questions they have received have been helpful. He noted that with the adoption of the General Plan,
23 he thought there was significant focus on bringing commercial projects to the town. He emphasized they
24 are not ready to answer questions about commercial, and who they think will occupy the commercial
25 space. He explained before they can move forward with that, they need to have the confidence they will
26 be able to obtain a zone change to accomplish the project.
27

28 Mr. Fields explained where they are now. They will still have to bring back preliminary and final plats.
29 He went on to say they are not really setting anything in stone; they are trying to establish a framework
30 where they can begin to integrate those components with the Commission and the Council.
31

32 Chair Dwinell said in this case, he saw the proposal more of something that advances the goals of the
33 general plan. Mr. Fields agreed, and he thought there had been change in the surrounding area in the
34 progress they had made in development at Golden Eagle as well as the viability of some commercial.
35

36 Chair Dwinell indicated along those lines, they were completely onboard. The town desires to have some
37 commercial. He went on to say, that he expected to see two zones in the petition. As he understands, they
38 are requesting only one zone, which would not obligate them to providing commercial in the specified
39 areas. Mr. Fields indicated that was correct, and he explained their thinking of the development.
40

41 David Erickson shared a version of the proposal that was amended the day before. This version included
42 some language that was worked out between Mr. Fields and Mr. Dansie.
43

44 Chair Dwinell indicted the submitted electronic version had the map with the hatching and cross hatching
45 on it, but one of his concerns would be when they talk today it would be 11 acres, and when it all comes
46 down to it, they may only have an acre of commercial. That is not what was talked about in their pre-
47 meetings. He went on to say from a town perspective, they definitely want to ensure that what the
48 developer is representing, is what is delivered. The current map doesn't say in verbiage how many acres
49 of commercial they are committing to in the development.
50

1 Mr. Fields said the challenge is the original document has some more information, some worksheets, and
2 some maps. Those things would relate to the document that is being referred to.
3

4 It was noted that another concern was not just the size but also the timing of the project. It was said the
5 Commissioners wouldn't want to see five years go by and nothing happens. Part of the idea for the zone
6 change, is it furthers the goals of the General Plan. If some amount of time goes by and no promises have
7 been made on that, that would be a concern as well. We would like to hear what your marketing strategy
8 is to attract commercial to the area.
9

10 Mr. Fields said from the nature of what they have seen from other developers, it was extremely difficult to
11 come in and purchase five or ten acres, and say we are committed forever to do commercial. He went on
12 to say they were committed to the commercial aspect because it brings the amenities to the community at
13 large.
14

15 Chair Dwinell indicated what he really wanted to hear that there was a marketing plan to attract
16 commercial; not for Mr. Fields to define the plan. Mr. Fields said if the infrastructure were put in right
17 away, it would initially serve the residential piece; however, they have fixed costs that need to distribute
18 out more than just the residential. He noted that one of the questions that had come up previously is how
19 much square footage would be in the commercial area, which is hard to determine. However, they could
20 set aside 34 ERU's as an example, and that would probably yield about 80,000 square feet of commercial.
21 He added one of the things they would be looking for in the commercial would be a resort type of feature.
22 They want it to satisfy enough acreage and ERU so they aren't restricted. He said if commercial rocketed
23 off, they wouldn't want to be limited in growth.
24

25 Chair Dwinell said commercial was not the only thing they were addressing. He noticed the developer
26 had two parks on the plan as well as some trails, which is something the General Plan is trying to
27 advance. He questioned if the developer was prepared to make those public. Mr. Fields indicated they were
28 not at this time. The concern they have is you can always go public, but you can never go back. Mr.
29 Fields expressed some of the concerns he had. He said from the HOA standpoint, they don't police or
30 spend money trying to restrict people from using the parks and trails. If it became a nuisance situation, the
31 HOA would want to be able to take care of it. He pointed out it's a very rural area, and they could have
32 hunters in the area, and people driving around. Mr. Fields stated at this time they are not inclined to open
33 it up to the public.
34

35 Chair Dwinell pointed out that Mustang owns property outside of Sunrise Ridge as well. If within
36 Sunrise Ridge, public parks and trails are not something they are considering; he inquired about other
37 parts of Hideout that Mustang owns. Some of that property that might be suitable to dedicate as a city
38 park or town trails. Mr. Field indicated he was not sure. His involvement with the trails is new. He does
39 not have to ability to speak to that.
40

41 Mr. Fields said he was not sure people want others walking around unrestricted. Commission Shadle
42 asked if they realize that the trails are a part of the General Plan. He would ask that Mustang consider
43 what they can give back to the town in exchange for the zoning change. He went on to say we are looking
44 to further the goals of the General Plan. Mr. Fields said along those lines, Sunrise furthers the goals of fire
45 protection. Golden Eagle has significantly benefited in fire protection from the Sunrise development.
46 Discussion followed regarding access between the two developments. The idea of a secondary access was
47 challenged as only one access route to SR248 on the plan.
48

49 Commissioner Goldkind inquired about a piece of property west of the Sunrise Ridge development that
50 she thought was located outside the Town of Hideout. She questioned if they were to consider
51 recommending a zone change, what would happen with that piece? Mr. Fields explained the entire parcel

1 in question is within the boundaries of the Town of Hideout. What Commissioner Goldkind may be
2 thinking of is another piece of property on the east side of the proposed property. Commissioner Goldkind
3 said the building height allowance for Residential Village Medium Density can go up to six stories
4 maximum. She questioned how that would affect the view sheds for Golden Eagle.

5
6 Mr. Fields said they are proposing that they would constrain themselves to 35-feet. For the condominiums
7 on the right side, they are proposing no greater than five stories. He went on to say the view angle to the
8 lake would not be obstructed. They want Sunrise to be visually pleasing, but it's not the dominant view.

9
10 Chair Dwinell said he was concerned about the neighbors to the east and inquired how far above the
11 ridgeline the condominium would protrude; he wanted to be sensitive to their view shed. Mr. Fields said it
12 extends out quite a ways but not above the ridgeline.

13
14 It was inquired if the proposed building would be the highest building in Hideout. Mr. Fields said it could
15 be; part of the reason they are saying that is because they are not anticipating they would go that high, but
16 one of the big challenges is that no one else can afford condominiums with underground parking. The
17 only reason they have asked for the five stories is if they need to do more in one building and scrap the
18 other building. It was inquired if they would consider extending the footprint and lowering the height. Mr.
19 Fields said he could look at that.

20
21 It was inquired if Mr. Fields was talking about underground parking or the first two levels as parking. Mr.
22 Field said the trick with structure parking is taking advantage of the slope, and he explained how
23 structured parking worked.

24
25 Mr. Field said he had a few other things to address. One was the density, and how it compared.
26 Shoreline's base density is 1.5; Deer Water's base density is 2.94; Deer Springs's base density is 2.73;
27 KLAIM's density is 1.5; Golden Eagle's density is 1.5. He noted Sunrise, if they put all the ERU
28 together, would have a base density of 1.5. He noted if they put in the entire commercial and were able to
29 build both condominiums, they would have a base density of 3.0.

30
31 Chair Dwinell indicated that this information would be discussed during the preliminary plan, unless Mr.
32 Fields thought it was pertinent to the zone change. Mr. Fields said the one thing they want everyone to
33 understand is they are asking for a base density of 1.5. We're saying you can restrain us to the ERU's that
34 they are proposing.

35
36 Mr. Fields indicated that Mustang is offering single-family lots; they think that is an element that is
37 desirable in the General Plan. In addition, they think that will be something hard for other developers to
38 bring to the Town of Hideout.

39
40 Commissioner Severini said the sizes of the homes are a little out of character from what they have – it's
41 a departure from that. In addition, trying to develop an active adult community could be a good thing, but
42 he doesn't see that being reference in the current plan. So, when they were talking the last meeting, they
43 said that was the intention, but the intention is not being backed up. The way he is seeing it, people could
44 come in and do time-shares, which goes against the grain of the town as a whole. At that point, there
45 would be no tie in to an active adult community. He said in reading it, it just didn't gel and was out of
46 character. He stated he liked the commercial, that it followed what they wanted; however, the residential
47 does not.

48
49 Mr. Fields said the original proposal is more descriptive. He indicated that there is no zoning designation
50 for active adult community. He noted there had not been a market demand that way; however, if they do

1 it, they wouldn't want the restrictions like 55 and older. Discussion followed regarding the active adult
2 community and the marketing of such.

3
4 Noticing of the agenda was discussed, and Commissioner Severini indicated that he did not know if it had
5 timely notice. Chair Dwinell indicated that it was noticed two weeks ago, and it accidentally left off the
6 agenda, and it was added back last night. He assured that it had been noticed for two weeks.

7
8 It was inquired if Exhibit A, B, and D were displayed. It was noted that they were. Commissioner
9 Rupinkas said he would appreciate if they were able to look at the exhibits at least 24 hours in advance
10 so they could look at and study them so they could have constructive comments opposed to bantering
11 around.

12
13 Mr. Fields said they were trying to accommodate Mr. Dansie's and the Town Council's comments.

14
15 Chair Dwinell said he would like to open up the meeting to public comments. That the petitioner should
16 go back and dress the proposal up; considering some of the things the commission has asked for in terms
17 of what else Mustang can provide to the town in furthering the General Plan in accordance with the
18 zoning request.

19
20 He went on to say they would defer on the zoning request until such time the petitioner was prepared with
21 a new proposal, one the Commission could review and feel comfortable with recommending the rezone.
22 He added if they rezone it without an appropriate program plan or development agreement against it, that
23 the town has no way of binding them to what they verbally presented.

24
25 Commissioner Shadle stated he agreed; if they do not have that, he was not prepared to vote on the issue
26 at all. I respect and have a lot of confidence in David; however, David was on the other side of this issue.
27 Nevertheless, until they have an engineer who can help them review the documents, he is not prepared to
28 vote on the issue at hand.

29
30 Chair Dwinell clarified that David was not on the other side; he just has a conflict of interest in
31 representing the applicant – not the town. Commissioner Severini indicated he was not saying David was
32 not correct; he would just like to have someone else that was not associated with the project advise them
33 on the project.

34
35 Commissioner Severini said there were enough issues. The driving factor for the Planning Commission
36 was that the issues be addressed and presented back to the commission in the timeliness that they can
37 review what the revised program is and make an intelligent decision. He thought that Mr. Dansie and
38 Jared were working on a document that could end up being a development agreement, but for constraint
39 purposes he thought they were not provided the documentation in enough time to adequately review for
40 approval.

41
42 Mr. Dansie indicated his thought was they worked with the developer on the documents in terms of trying
43 to provide additional clarity; what he didn't do and did not think was his role, was to provide any
44 comment on the substance of the specific guidelines and constraints Mustang is providing. Therefore, he
45 thought that was something that could be helpful. If the Planning Commission was suggesting that some
46 of their suggestions made it into the document, he thought it could be helpful. If this was going to be a
47 document that would get some further legal review by him in working with Jared. He thought it would be
48 helpful to say they want to see are "A, B, C and D". He thought the more direction the Planning
49 Commission could provide in terms of the type of concessions they would like to see, the more beneficial
50 it would be to the developer and him.

51

1 Mr. Dansie said they were in an interesting situation where the code did not provide a lot of instruction on
2 what a programming plan should look like and what kind of things it should and could contain. It was Mr.
3 Dansie's opinion that the developer had done a great job of saying, look here are some things we are
4 proposing as a part of our plan. For example, this is the condominium we want, and if you agree, you
5 could say, that is a great thing or no, we would like to see some changes. Mr. Dansie thought that was
6 more meaningful and appropriate to instruct the developer to come back with amended documents.
7

8 Commissioner Goldkind said she could start to respond, but she is not prepared to give a complete wish
9 list to the developer tonight, but she can begin to address her concerns. She went on to say, the RVMD
10 zoning allows for mixed use and allows for six to 70 units per acre. She acknowledged that she knew
11 David did not want that type of density, but she was not prepared to make a recommendation at this time.
12 She noted if they were to change the zone to a mixed use, there was nothing that would create a
13 commitment that the developer had to have commercial space or to have a lower based density. It was her
14 desire for them to have at least a development agreement that committed them to a certain amount of
15 commercial space to be occupied within a certain amount of time. She said she realized it had to be a
16 reasonable request and commitment on both sides. She thought that would further the General Plan and
17 would bring something to the town. She would also want to include certain trail specifications in open
18 space.
19

20 Chair Dwinell agreed with Commissioner Goldkind. He stated from a Commission standpoint, there were
21 two things they were looking at: how do we protect the town if we are making a zone change to grant you
22 additional rights within a new zone. How do they make sure it doesn't run away from them? Two, they
23 are looking at something to support the zone change, which would be something that benefits or furthers
24 the goals of the General Plan. He inquired how much weight had to be on that tipping point – that was
25 something subjective that each Commissioner would have to decide if there is enough in here that furthers
26 the goals of the General Plan that it tips the balance.
27

28 Chair Dwinell indicated that while the developer including commercial is nice, the commission is not
29 getting the sense there was a firm commitment to making that actually happen. Yes, you set aside a lot of
30 acres, but there is nothing to prohibit you from coming back and trying to amend the plan. You could
31 support that with it's a mixed zone, and we want to ensure that. We aren't getting any public open space,
32 i.e., parks, and trails, etc. either inside or outside Sunrise Ridge. I would ask the developer to go back and
33 see what they could add to the scale that might tip it for a Commissioner that is quite not there yet.
34

35 Commission Rupinkas noted that was very well said; however, when the Commissioners come in very ill
36 knowledgeable about what is going to be discussed, they can be anxious at time with their vote and it
37 does not benefit anyone. To resolve that anxiousness is to give them the information ahead of time.
38

39 Chair Dwinell said to be fair to Commissioner Rupinkas that this was probably an internal thing. The
40 original packet was posted as soon as David sent it to him and that was at least a week to a week and half
41 ago.
42

43 Mr. Fields said one of the unfortunate things tonight was there was a new document tonight, which the
44 Commission had not read. The essence and the real effort to limit it but to quantify it so you could
45 understand it; it's been in the document you had the entire time. Chair Dwinell said he would still argue
46 that he doesn't think it still satisfies everyone that he had heard tonight. Mr. Fields stated they restricted
47 the ERU's and set aside ERUS's for special projects. Chair Dwinell inquired if the petitioners wanted a
48 vote on the matter this evening; he thought they had heard from nearly every Commissioner they are not
49 ready to vote on it tonight.
50

1 Chair Dwinell said he would like to open the matter up for public comment to see what the public has to
2 say about it. He reiterated he was not prepared to call for a vote on the matter this evening. Mr. Fields
3 inquired if it was more the legal language?
4

5 Chair Dwinell indicated that he would say two things: one, they want to make sure the appropriate
6 documents are in place that constrain the developers to what they have promised; two, is there enough
7 preponderance of evidence toward the General Plan to tip the scales for us. He thought there were two
8 things the commission is looking for: one, they want to protect the town if they rezone something, to
9 ensure that the developer does what they say they were going to do, and that the town has an enforcing
10 document; and two, is there enough benefit to the town to support the rezone.
11

12 Mr. Fields said he was a little caught off guard on the push back on the lots, and understanding the time
13 share thing; he questioned what the apprehension was on the smaller lot sizes. Chair Dwinell said that
14 these issues have more to do with the preliminary plan and not the rezone. Mr. Fields said they didn't
15 know how they could give assurance to have a certain type of commercial. They want to be honest and
16 pursue it. How do they give you assurance? Chair Dwinell said the Commissions perception is, reserve it,
17 and they will come; and they want something a little more proactive than that. They want assurances that
18 the developer is actively seeking to put commercial within that space. He stated he has not received that
19 sense this evening. He wants to make sure the developer is committed to fill the spots.
20

21 Mr. Field reiterated that they were a little caught off guard. They felt they are defending the residential
22 development aspect. Chair Dwinell said their concern was they really want the commercial, and think
23 they are vague about how they are going to bring commercial into the area. To the commission, this is the
24 selling point.
25

26 Chair Dwinell opened the meeting to public hearing for public comment.
27

28 Mr. Jeff Turner indicated he was new to the area, and he thought they all had great information. He did
29 not know what they were discussing. He felt they were talking in code. Commissioner Shadle indicated
30 they were deep into the topic, and that he's missed part of the discussion.
31

32 Mr. Bob Edelberg inquired if they were taking about changes to building codes? It was clarified they
33 were discussing a zoning change. He inquired if that was part of the 35-foot building height restriction or
34 was that an HOA matter. Chair Dwinell indicated it was zoning. Mr. Edelberg indicated the developer
35 misrepresented himself on Lot 64 to him. It cost him about \$100,000 and a 6-month delay to enforce the
36 35-foot height restriction. His recommendation was to keep that enforcement and not allow any building
37 over 35-feet.
38

39 Melyssa Davidson on behalf of the Master Association addressed the Planning Commission. She said
40 they think the new General Plan has a lot of things other than public trails that the town is looking for,
41 i.e., public spaces, public parks, and commercial. She went on to say that as they are weighing in on
42 whether the Sunrise Development brings enough to the table, she wanted to make one point. Ms.
43 Davidson said the Master Association would like to bring Sunrise into the Master Association, have those
44 lots be a part of the Master Association and have them be members. She went on to say, as you may
45 know, they feel very strongly about private trails; however, she knows there are different opinions on that.
46 She noted the Master Association would not be able to have connectivity with trails that are public. One
47 of the downsides of not being able to bring subdivisions into the Master Association is the members in the
48 Master Association now are carrying the entire weight for maintaining the entry way of the town. She
49 thought the hope was as the town expanded, there would be more members in the Master Association, and
50 the costs would be more fairly allocated. She questioned if public trails were mandatory for all new
51 subdivisions.

1
2 Commission Shadle inquired who “they” were that feel very strongly about private trails. Ms. Davidson
3 indicated it was the Master Association of Board of Directors. It was inquired who elected the Board of
4 Directors. Ms. Davidson explained they were appointed during the developer control period. Commission
5 Shadle said if the majority of the Association wants private trails, and the town wants public trails there is
6 a tension that is a real problem. They have to figure out how to make it work. Ms. Davidson said she was
7 just throwing that out, and that was something to weigh.

8
9 With no further public comment forth coming at this time, Chair Dwinell closed the public hearing.

10
11 Chair Dwinell suggested that the Planning Commission defer any action on the item at this time.

12
13 **Motion:** Commissioner Severini moved to defer any action on this agenda item at this time.

14 Commissioner Goldkind made the second.

15 **Roll Call Vote:** Planning Commission Members Voting Aye: Commissioner Members Rupinkas,
16 Severini, Goldkind, Shadle, and Dwinell. Planning Commission Members Voting Nay: None. The motion
17 passed unanimously.

18
19 Chair Dwinell indicated that he neglected to address the approval of minutes, which he would like to
20 defer until the next meeting. The Commission needed to discuss ordinances, which potentially could go
21 before the Town Council in March,

22
23 **3. PUBLIC HEARING: Ordinance affecting the timelines for submittal of agenda items**
24 **for Planning Commission meetings, to be referred to the Town Council for adoption.**

25
26 Chair Dwinell addressed agenda item 3, an Ordinance affecting the timelines for submittal of agenda
27 items for Planning Commission meetings. He noted the draft ordinance was the second iteration. The first
28 draft included some language around existing process with regard to applications and such. What he
29 wanted to clarify is that this version strips out all aspects of process. Understanding that the State requires
30 that they provide notice for land use – there is a 10-day window on most land use items. He went on to
31 say there is also a requirement to publish it in a paper of record; he explained Hideout’s paper of record is
32 the Park Record.

33
34 Chair Dwinell noted the Park Record has submittal deadlines, and it publishes on Saturday and
35 Wednesday. Chair Dwinell further explained Wednesday is not within ten days of the Planning
36 Commission meetings so that means they have to publish in the Saturday paper. He went on to say, the
37 deadline for the Saturday paper was Wednesday leading up to that Saturday.

38
39 Chair Dwinell stated the proposed ordinance was designed so if someone wanted to be on the Planning
40 Commission agenda, the town has sufficient time to notice it. He said that is all this draft ordinance
41 concerns itself with is the deadline, which means they are 15 calendar days prior to the Planning
42 Commission’s Regularly Scheduled meeting with a 10:00 a.m. deadline. If they don’t meet the 10:00 a.m.
43 deadline, they will have to be deferred to the next scheduled Planning meeting.

44
45 Chair Dwinell added the other piece is all supporting content, electronic or otherwise, must be submitted
46 to the Town Clerk no later than 10:00 a.m. 7 calendar days prior to the date of the regularly scheduled
47 Planning Commission meeting. If those supporting items are not delivered, then they will be removed
48 from the agenda and placed on the next agenda.

1 Chair Dwinell said it goes on to say they are not making any changes to any land use applications
2 schedule or deadlines outlined in the existing town code or any duly adopted Master Development
3 Agreement.

4
5 Commissioner Goldkind said she agreed with the content, but she was wondering about the title of the
6 ordinance, which she read “Included on the Agenda for Planning Commission Regular Meetings other
7 than Land Use Applications”. She noted that land use applications would be on the agenda for the
8 Planning Commission. Chair Dwinell indicated Commissioner Goldkind was correct, that should not be
9 there. He proposed that it be removed. He explained that was part of the original version.

10
11 Chair Dwinell opened the meeting to public hearing for public comment.

12
13 There was no public comments forth coming at this time; Chair Dwinell closed the public hearing

14
15 **Motion:** Commissioner Goldkind moved to forward an Ordinance affecting the timelines for submittal of
16 agenda items for Planning Commission meetings. Commission Member Severini made the
17 second.

18 **Roll Call Vote:** Planning Commission Members Voting Aye: Commission Members Shadle, Severini,
19 Rupinskas, Goldkind, and Dwinell. Commission Member Voting Nay: None. The motion passed
20 unanimously.

21
22 **4. PUBLIC HEARING: Ordinance Establishing the “Hideout Parks, Trails, and Common**
23 **Spaces Committee”, to be referred to the Town Council for adoption.**

24
25 Chair Dwinell said one of the goals of the General Plan, which was adopted Tuesday night, was
26 protection and expansion of parks, trails, and common/open space. He said there is citizen group
27 operating within the town of Hideout going by the moniker of the Hideout Trails Committee, and they
28 have done fantastic work. This ordinance seeks to establish that committee officially within the town,
29 rename it, and to give it a larger mandate.

30
31 Chair Dwinell read the enactment section of the ordinance.

32
33 Chair Dwinell referred to the ordinance and indicted there are some items in regard to its formation;
34 therefore, they are asking that at least one Town Council Member and one Planning Commission Member
35 must have seats on the committee. The chair of the committee must either be the member from the Town
36 Council or the Planning Commission. The Town Council will appoint a representative from among its
37 members and the Planning Commission Chair will appoint a representative. The Committee chair is to be
38 selected within internally within the committee. In addition, the committee chair can appoint additional
39 members as desired.

40
41 Discussion followed regarding the size of the committee and if the number should be restricted. It was
42 thought the Commission did not want to restrict the size; however, it was expressed that a term on the
43 appointment may be appropriate. Chair Dwinell said he left that out for the Town Council to determine if
44 they wanted to institute a term on appointments

45
46 Commissioner Goldkind indicated there would be some change over. Two of the members had to be a
47 Town Council Member and a Planning Commission Member. Chair Dwinell said this is an ordinance that
48 could be amended in the future.

49
50 Chair Dwinell read the “Mandate of the Ordinance”. The plan is to be presented to the Planning
51 Commission and for acceptance and possible recommendation to the Town Council. He stated they were

1 asking that the committee document definitive steps that can be taken to achieve the goals, not another re-
2 statement of the vision. The action steps should be included in the Master Plan. In addition, they want
3 them to work with the Jordanelle State Park to create opportunities.
4

5 It was inquired if part of the plan was to come in with a proposed budget. Chair Dwinell said he thought
6 that should be part of the action. It was said an action plan should include what things would actually
7 cost.
8

9 Chair Dwinell went on to say another part of the plan they want a representative from that committee to
10 be present at all Planning Commission meetings with any land use item on the agenda; the same is with
11 any Town Council meetings.
12

13 Discussion followed regarding attendance at Planning Commission and Town Council meetings. It was
14 thought that the wording “encouraged to attend” should be added to the wording of the next to last
15 paragraphs. Commissioner Goldkind agreed with “encouraged to attend”.
16

17 Commissioner Goldkind requested to go back to the bullet points associated with Jordanelle State Park.
18 She inquired if instead of saying included but not limited, they could say for example because those are
19 things they would want them to consider, but they may not be possible.
20

21 Chair Dwinell covered the “Definitions” Section.
22

23 Chair Dwinell indicated there was some conversation internally about the difference between common
24 space and open space. In his mind, open space is parks and trails. Common space could be an
25 amphitheater. A promenade, which is usually within a commercial space, would be common space.
26

27 It was inquired if the above-mentioned definitions were consistence with what is in Title 11. Chair
28 Dwinell indicated that he did not believe Title 11 had the definitions. He went on to say that Mr. Dansie
29 mentioned that he has a few things to add before it goes to the Town Council, but they are not
30 substantive. Mr. Dansie said that was correct. They are just policy decision for the town to decide or not
31 decide; other than that, he doesn’t have any changes.
32

33 Discussion followed regarding definitions. Commission Severini indicated that he thought open space
34 was defined; however, he did not think common space, trail, or park was defined. He did not know if the
35 definition of open space matched Title 11.
36

37 Chair Dwinell opened the public hearing for public comment.
38

39 Mr. Jeff Turner addressed the Commission. He said that they all had been hearing conflicting rumors, and
40 he cannot get answers from anyone. He inquired about the road down to Jordanelle State Park. Chair
41 Dwinell indicated the road would go down to a new non-motorized boat ramp. Mr. Turner asked for a
42 definition of non-motorized. Chair Dwinell said that would be a question for the state park. However, if
43 you go by the definition of a motorized boat, which you have to register with the state, it was anything
44 over 10-horsepower.
45

46 Mr. Turner questioned if the road was going to come out from Ross Creek and connect or was never
47 going to happen. Chair Dwinell pointed out Shoreline Drive already connects through to Ross Creek.
48 Commission Shadle indicated that not all of that road is currently paved, but that it eventually will be.
49

50 Commissioner Rupinkas noted that open space is in Title 11 on page 21. Chair Dwinell asked if
51 Commission Rupinkas would update the definition in the Ordinance to match that of Title 11.

1 Chair Dwinell opened the meeting for public comment.

2
3 With no further public comment forth coming, Chair Dwinell closed the public hearing

4
5 **Motion:** Commissioner Rupinkas moved to make a recommendation to the Town Council to accept the
6 proposed ordinance establishing the “Hideout Parks, Trails, and Common Spaces Committee’
7 with the condition that the open space definition is update. Commissioner Severini made the
8 second.

9 **Roll Call Vote:** Commission Member Voting Aye: Commissioners Shadle, Dwinell, Goldkind, Severini,
10 and Rupinkas. Commissioner Members Voting Nay: None. The motion passed unanimously.

11
12 Chair Dwinell said he was looking over the agenda to see if there was anything else the Commission
13 needed to cover; he noted they were already over time. He went on to say he received a phone call from
14 someone that wanted a preliminary plan application. He indicated that he would like them to get the new
15 version if it was ready. Commissioner Rupinkas indicated the new version was ready; however, he
16 would like to do it a bit different. He would like to take it to the Administrator and the Mayor and talk
17 through what the procedure would be for the development application so internally they know what they
18 need to do with it. He said he had time to do that.

19
20 Chair Dwinell said they have a few discussion and assignment topics on the agenda:

21
22 **11. ADMINISTRATION: Discussion and assignment for drafting an ordinance concerning**
23 **snow removal.**

24 He would like to inform everyone that Commissioner Rupinkas was working on the snow removal
25 ordinance; they will most likely visit that during their next meeting.

26
27 **10. ADMINISTRATION: Discussion and assignment for drafting an ordinance amending**
28 **the Concept Plan process (Title 11.06.117.1).**

29 Furthermore, he wanted to briefly cover the concept plan process. What he would like to see is concept
30 plans come before the Planning Commission. He noted that as of right now the Town of Hideout does not
31 require that. He would like to begin formulating something that would put a little more formality around
32 it. It doesn’t mean someone has to do a concept plan, but if they want to do a concept plan, he doesn’t
33 want it just to be staff and the engineer; and the first time they hear about it is at Preliminary.

34
35 Discussion followed regarding concept plans. It was pointed out that in the Master Development
36 Agreement, it stipulates once the concept plan had been approved, they could pursue for a grading permit.
37 Chair Dwinell pointed out in the Town Code, concept plans are not approved. It was suggested that the
38 impression when you read it that way is at first it’s a concept plan for the developer to get more
39 information. Now, it comes across, as there are options that can be taking if the concept is approved.

40
41 Chair Dwinell pointed out they already talked about the framework, he would like one of the
42 Commissioners to create a draft. Commissioners Rupinkas and Severini indicated they would work on a
43 draft.

44
45 **12. ADMINISTRATION: Discussion and approval to schedule Slopes firm to present**
46 **to the Executive Committee (Mayor, Town Council and Planning Commission)**

47 Chair Dwinell said the final thing was he would like Commissioner Severini to schedule a presentation
48 from the Slopes Firm that he has been in contact with to the Executive Committee. Commissioner
49 Severini indicated that he had two. It was said they would schedule one. Chair Dwinell wanted to verify it
50 would be no cost to the town.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

13. ADMINISTRATION: Update from Town Attorney on whether the existing Performance and Warranty Bond provisions in the Town Code cover repairs to developer roads, or whether a Road Bond Ordinance is required.

The agenda item was not covered during the meeting.

14. ADMINISTRATION: Update from Commissioner Rupinkas on Subdivision Preliminary Plan Application Form.

The agenda item was not covered during the meeting.

15. ADMINISTRATION: Discussion and review of the Planning Commission Docket.

The agenda item was not covered during the meeting.

V. Any Other Business

VI. Adjournment

With no further business coming before the Planning Commission at this time, Commissioner Rupinkas moved to adjourn the meeting. Commissioner Severini made the second. The motion passed unanimously.

Lynette Hallam, Town Clerk