

Minutes
Town of Hideout
Planning Commission Public Hearing and Special Meeting
August 9, 2021
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Public Hearing and Special Meeting on August 9, 2021 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:14 PM and read the current no anchor site determination letter in its entirety. All attendees were present electronically.

II. Roll Call

PRESENT:

Chair Tony Matyszczyk
Commissioner Ryan Sapp (arrived at approximately 6:26 PM)
Commissioner Glynnis Tihansky
Commissioner Donna Turner
Commissioner Bruce Woelfle
Commissioner Rachel Cooper (alternate)

STAFF PRESENT:

Thomas Eddington, Town Planner
Polly McLean, Town Attorney
Alicia Fairbourne, Town Clerk
Kathleen Hopkins, Deputy Town Clerk

OTHERS IN ATTENDANCE: Greg Geyer, Bret Rutter, Lindsay Payeur, Megan McJames, Brian Amerige, Laurie Tippet, Helen Strachan, Allison McKinnon, Laura Downey, Sean Philipoom, Carol Tomas, Rick Brough, Chip Schneider, Alexander Kramer, Michael Hicks, Jack Walkenhorst, Elder Stewart, Jim Wahl, Dani Kazienko, Maren Geary, Scott Peters and others who may not have signed in using proper names via Zoom.

III. Approval of Meeting Minutes

There were no comments on the draft minutes of the May 20, 2021 Planning Commission meeting.

Motion: Commissioner Tihansky made the motion to approve the May 20, 2021 Planning Commission Minutes. Commissioner Woelfle made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner and Woelfle. Voting Nay: None. The motion carried.

IV. Public Hearings

1. Amend the AMDA (Annexation Master Development Agreement) for the Silver Meadows Annexation to revise several deadlines in light of the District Court's ruling finding the Annexation is invalid and the appeal thereof.

Town Attorney Polly McLean provided an overview of this item and the status of current litigation. She noted the district court had ruled the Annexation invalid and the filing of an appeal was anticipated. As a result, several dates detailed in the AMDA would not be met, so this amendment was being requested to update those dates and to reflect the status of this ongoing litigation. She referenced the copy of the executed AMDA which had been provided in the meeting materials as a reminder of the sections which were highlighted to reflect the updated dates.

Ms. McLean responded to Chair Matyszczyk's question to confirm the extension was to bring the date to 120 days after the final resolution of the case. Commissioner Woelfle asked for details on what the process would be after 120 days should the Annexation be approved. Ms. McLean explained the AMDA allowed the Town to void the agreement if the developer did not meet its obligations, but it would be the town's option whether to do so. The Agreement was intended to provide the developer a reasonable amount of time to fulfill its obligations although the contract could be amended in the future.

There being no further questions from the Planning Commission, Chair Matyszczyk opened the floor to public comment at 6:23 PM.

Mr. Chip Schneider asked if there was an estimate of the Town's expenses related to the ongoing litigation related to the Annexation. Ms. McLean responded the cost to the Town was not much as the developer had assumed responsibility for these costs and indemnified the Town under the pre-annexation agreement. She also noted the developer had been paying these costs throughout the process.

There being no further comments from the public, the Public Hearing for the Amendment to the AMDA closed at 6:25 PM.

Motion: Commissioner Woelfle made the motion to accept and forward to the Town Council the amendment to the AMDA to revise several deadlines in light of the District Court's ruling finding the Annexation is invalid and the appeal thereof. Commissioner Cooper made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner and Woelfle. Voting Nay: None. The motion carried.

2. Ratify and adopt the Official Zoning Map of the Town of Hideout

Chair Matyszczyk invited Mr. Thomas Eddington, Town Planner to discuss the zoning map under consideration. Mr. Eddington stated the objective here was to ensure the correct zoning map was the Town's official zoning map. The Town's General Plan adopted in 2019 contained a map which was similar to the map on the Wasatch County website, but as additional subdivisions were approved and the town staff researched back records to understand the zoning on the ground, they found those maps did not reflect what had been subsequently approved and built. Recent Master Development Agreements (MDA's) were reviewed along with the Mustang MDA to create a color zoning map with better detail on the location of various density pods within the MDAs. Mr. Eddington shared two versions of the town zoning map. The first version contained a color overlay of the density pods in the various developments. He noted this map was the last approved zoning map which had not been updated to include the subdivisions which were subsequently approved, what was actually built

and other zoning changes adopted. He noted areas where the platting on the ground (as built) did not match the official zoning map. He suggested the adoption of the first map as an initial step and then work on the Draft Proposed Zoning Map to clean up several areas that did not conform with current zoning or land use. He suggested the Planning Commission consider approval of the revised Draft Proposed Zoning map as a second step after a number of inconsistencies had been addressed and density pods accurately assigned. He explained that density pods can be expanded into different areas through a process of MDA amendment. He summarized the first map as being what town staff believed was the current zoning map and the second map was a starting point for discussion and clean up to reflect what the new official zoning map should be.

Mr. Eddington stated this session was intended to hear input on the maps but did not request approval at this time.

Ms. McLean added in addition to the original town zoning map not being formally adopted at the time the Mustang MDA was approved, there was no official zoning map adopted when the Town General Plan was originally approved or when it was updated in 2019. She stated these official zoning map adoptions were required by State law, but there were no records of Town Ordinances which showed such approvals had been made. This process was intended to rectify these omissions and provide a current map for use going forward.

Commissioner Bruce Woelfle asked whether the current zoning designation for the Shoreline development was appropriate. Mr. Eddington replied it could change with the density allocated to future phases and could include some commercial zoning. Ms. McLean noted the density pods could change with market conditions and developer needs. She also stated the density pods were viewed as zoning and were adopted as part of the Master MDA.

Commissioner Woelfle asked for clarification on the different density pod and zoning designation definitions which Mr. Eddington addressed.

Mr. Eddington stated not all density pods were assigned in the proposed map and it would be up to the Planning Commission and Town Council to approve with future phases. He pointed out several areas which would probably require re-zoning to match the ongoing intended development. He suggested the map should ultimately be approved to reflect the currently approved zoning and density, and then be updated over time as the Town approved new zoning changes.

After hearing questions and comments from several of the Commissioners, Chair Matyszczyk opened the floor for public comment at 6:57 PM.

Ms. Allison McKinnon asked why there was no current town zoning map. Mr. Eddington responded this issue dated back many years and was being cleaned up now. He cited an example of a development which was approved in 2017 without a map included in its application documents.

Mr. Bret Rutter asked about the zoning of the golf course hole #2 near Glistening Ridge which appeared to be different than the rest of the golf course. He shared his concern that the golf course could be sold and developed for other purposes which was not what he and his neighbors expected when purchasing their property. He also noted the zoning classification in Golden Eagle did not seem consistent with the development. He asked that whatever prior mistakes had been made and which were reflected in the town zoning not be allowed to go forward. Mr. Eddington acknowledged this concern and noted a Public Hearing would be part of any process to re-zone in the future. In answer to Mr. Rutter's question about future re-zoning procedures, Mr. Eddington responded such a potential future re-zoning process would not involve approval from adjacent property owners but would require a public notice process and both Planning Commission and Town Council approvals.

Ms. Dani Kazienko asked if this plan had been compared to the design guidelines. Mr. Eddington explained the current zoning was currently based on the MDA and design guidelines could not be less restrictive than town code and zoning.

Ms. Megan McJames shared Mr. Rutter's concerns regarding any potential re-zoning and future development of the golf course and asked what could be done to ensure surrounding property owners' views were not compromised. Mr. Eddington responded to the extent the MDA was approved with certain entitlements the Town would be bound to those approvals. Public notice would be given of any proposed zoning changes.

Mr. Brian Amerige asked for more details on density pods and density limits. Mr. Eddington explained base density in the MDA and density allocations which were dispersed into density pods which could change with subsequent phases. Ms. McLean noted the overall density was set in the MDA with underlying pod density to change subject to size and location of future phases. She added the ultimate density cannot be more than the total density allocated in the MDA. In response to a question from Mr. Amerige on the zoning of the golf course, Mr. Eddington responded yes, the golf course zoning could potentially be changed to single family if the developer requested it and followed the notice requirements and met the Town approval process. Ms. McLean added any consideration to change zoning would be very fact specific and would be considered under the terms of the MDA. Mr. Amerige stated the importance of community input in the event the golf course was ever requested to be re-zoned and developed for other purposes.

Mr. Chip Schneider stated he was happy to see this matter of an official town zoning map being cleaned up and was pleased to see some areas for potential commercial zoning, especially if the Annexation did not proceed. He encouraged the Town to plan for more commercial zoning in order to diversify the tax base long-term. He asked if water needs were properly factored into the planning and approval process given the higher density. Mr. Eddington stated work was being done to identify commercial projects. He also noted the density had been established under the MDA and stated the developers were obligated to obtain sufficient water rights and allocations as part of the approval process prior to construction. Mr. Schneider noted his concerns with long term availability of water.

Ms. Laurie Tippet asked if the Town zoning map was missing. Mr. Eddington responded the staff could not locate an officially adopted zoning map and reiterated the proposed map was intended to show the current conditions based on what had been included in the MDAs and currently built in order to identify what should be cleaned up. Ms. Tippet asked if the golf course could be re-zoned and developed for single family homes in the future. Mr. Eddington responded the master developer could potentially request an amendment to the MDA and go through a review and approval process. Ms. McLean added it was difficult to give a more specific answer on the questions regarding potential re-zoning and development of the golf course as there was no application under review. If such an application was made, the Town would go back to the original agreement and review zoning rights under the agreement and any amendments. She noted the initial zoning did reflect what was zoned at that time. Ms. Tippet stated when she purchased her two lots in 2014, she was told there would be no change in the golf course. She would feel deceived if this occurred. Ms. Tippet also asked for clarification on the zoning of the state park which was located within boundaries. Mr. Eddington responded the town did not hold any jurisdiction over the state park or Jordanelle reservoir.

Mr. Rutter asked for additional clarification on the zoning of hole #2 of the golf course and asked what the process would be if the owner wanted to plat it into individual lots to develop as individual home lots. Ms. McLean responded she could not speak to such specific questions without an actual application being made. She did not want to speculate on a situation which was not being requested by the current property owner. Mr. Rutter asked if the Town adopted the map as it stands, would it give the developer Mustang any leeway to develop hole #2 of the golf course given its existing zoning

status. He asked whether the entire golf course should be under a common zoning designation to ensure it remained open space rather than some higher density development.

There being no further public comments, the Public Hearing regarding the Town's official zoning map was closed at 7:38 PM.

Chair Matyszczyk requested the matter of the zoning map approval should be continued to the next meeting so the town staff could continue its research and complete a proposed version of a revised map with complete density pod designations.

Commissioner Rachel Cooper asked if there was any opportunity to preserve land for open spaces. Mr. Eddington noted there was an Open Space District in the town code but there was not much land not already designated for development. He also stated the best way to preserve land would be for the Town to purchase it.

Deputy Clerk Kathleen Hopkins asked if the emails received prior to the meeting should be addressed. Ms. McLean stated the email comments were shared with the Planning Commissioners and would be added to the public record documents.

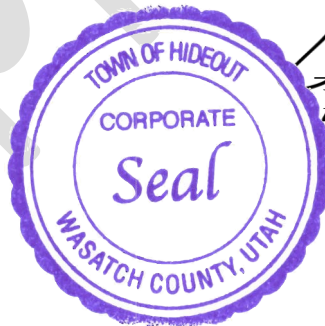
Motion: Commissioner Tihansky made the motion to carry forward until the next Planning Commission meeting the discussion and potential recommendation to ratify and approve the Official Zoning Map of the Town of Hideout. Commissioner Woelfle made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner, and Woelfle. Voting Nay: None. The motion carried.

V. Meeting Adjournment

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

Motion: Commissioner Tihansky made the motion to adjourn the meeting. Commissioner Turner made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner, and Woelfle. Voting Nay: None. The motion carried.

The meeting adjourned at 7:43 PM.




Kathleen Hopkins, Deputy Town Clerk