

Minutes
Town of Hideout Town Council Special Meeting
Conducted Electronically
10860 North Hideout Trail
Hideout, Utah
May 28, 2020

Present: Mayor Phillip Rubin
Chris Baier
Jerry Dwinell
Carol Haselton
Kurt Shadle
Vytas Rupinskas

Staff: Jan McCosh, Town Administrator
Kent Cuillard, Public Works Director
Allison Lutes, Town Clerk
Dan Dansie, Town Attorney
Thomas Eddington, Town Planner
Ryan Taylor, Town Engineer

Others: Nate Brockbank
Jeff Bawol
Bob Nadelberg
Jeff Schiff
Dori Schmalzle
Jack Walkenhorst
Bart Warner
Chris Ensign

I. CALL TO ORDER

Mayor Phil Rubin called the Town Council Meeting to order at approximately 6:00 p.m.

II. ROLL CALL

All members of the Town Council were present.

III. AGENDA

1. Consideration and Possible Approval of an Amendment to the Master Development Agreement for the Deer Springs Community.

Mayor Rubin reported that the proposed amendment is driven by changes to the proposed plat amendment. Town Attorney, Dan Dansie reported that to amend the plat, it is necessary to first amend the Master Development Agreement (“MDA”). The plat approval should follow.

Mayor Rubin reported that the request is from the Deer Springs Community where an MDA was approved in August 2018. The proposed amendments were described. A change was proposed to the phasing map with 15 single-family homes to be moved from Phase 1 to Phase 7 and 28 townhome sites within Phase 5 moved to Phase 1.

Because there were discrepancies, Jerry Dwinell suggested that the numbers be clarified. It was noted that the single-family home properties are close to the road and likely the least desirable of the properties owned by Nate Brockbank. The location was required by the prior Town Council. It was believed that the proposed change improves the plan, which benefits the Town. It was clarified that the total number of units will not change.

Mr. Brockbank explained that 30 townhomes are being moved and placed along the highway and 16 single-family lots are proposed to be moved to the cul-de-sac. Ultimately the units will balance and remain the same. It was clarified that Phase 1 is limited because they cannot construct more than 30 homes without a secondary access.

It was suggested that there be clarity to ensure that the MDA reflects the total number of units and which phases they are coming from and going to. It was noted that traffic noise is substantial. It was suggested that protections be in place for future citizens such as landscaping to help mitigate noise. The DRC discussed that issue and the first iteration included only sparse decorative landscaping. Noise abatement issues were discussed.

Mr. Dansie suggested that they be specific in terms of the objective to be met by the developer. Town Planner, Thomas Eddington proposed language that specifically states that screening shall include landscaping, berms, trees, shrubbery, or fences. It was suggested that the goal be specific such as a noise decibel reduction as measured from the road. Chris Baier recommended there be a buffering and screening from the highway rather than measuring noise because it is out of the Town's control.

Concerning trees, the understanding was that three trees are required per townhome unit. A number of the homes are below the road, which will result in reduced noise. It was suggested that the details be addressed and approved by the DRC. It was noted that the Town has at least three seats on the five-member DRC with Mr. Eddington heading up the group. Mr. Brockbank stated that the group has been working well together.

Parks were next addressed. Mr. Brockbank stated that the park is in Phase 3 rather than Phase 2. The park remained unchanged. Construction was anticipated to take place at the end of next year. Chris Baier asked about the potential to get the paved trail completed to Jordanelle Parkway. Mr. Brockbank expected it to be completed within the next 45 days from where they ended two years ago to the end of Phase 1. They were working to take it from the end of Phase 1 to the end of Phase 8. The portion to Jordanelle Parkway was determined to be part of Phase 3. It was not being done sooner to avoid the pavement being damaged. Chris Baier commented that in many cases developers are required to construct trails first. She wanted to accelerate them here as well and stated that trails will benefit the development.

Park amenities were discussed with the MDA specifically calling out park sizing and amenities. It was noted that the dog park will be 1.25 acres in size. It was clarified that by agreeing to the proposed amendment, the Town Council is not agreeing to a reduction in the size of the parks. Mr. Brockbank agreed to maintain flexibility regarding sports amenities in the parks and avoid building into a fad.

Mayor Rubin summarized the proposed changes. Mr. Brockbank referenced the MDA, which requires the use of cedar. They would like to use a cedar Hardie board on the homes, which was similar to what was used as part of the KLAIM project. He asked that that be added to the amendment. Mr. Dansie reported that there is a provision in the design guidelines that specifically prohibits Hardie board. One option was to allow it to be used if approved by the DRC. The Council expressed support for this alternative.

Kurt Shadle moved to approve the amendment to the MDA with the change to paragraph 5 to add a provision for a Screening Plan to be approved by the DRC and with a new paragraph to allow Hardie board to be used on exteriors subject to approval by the DRC. Approval of the amended MDA shall be contingent on the Council hereafter approving the amendment to the proposed plan for Deer Springs Phase 1. Jerry Dwinell seconded the motion. Vote on motion: Vytas Rupinskas-Aye, Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.

2. Public Hearing – Discussion and Possible Approval of Deer Springs Phase 1 Plat Amendment.

Mr. Eddington presented the staff report and indicated that conditions of approval were recommended with regard to roadway widths, the park area remaining the same, and other previously addressed issues. Rock stack walls were identified as the preference. With regard to street widths, it was noted that in Rustler the narrowest road width is 17 feet. The proposed roads will be 26 feet and comply with the current Code. A question was raised by the Fire District as to whether the 26-foot minimum standard is with or without a parked vehicle. Road widths in other areas of town were discussed.

Mayor Rubin referred to a letter received from the Town Engineer who recommended approval of the changes to the plan. Ryan Taylor from TO Engineers stated that the recommendations have been met or discussed. He was comfortable moving forward. Jerry Dwinell added that the Planning Commission recommended approval with the caveat that only 31 building permits can be issued before the engineer certifies the secondary access.

Mayor Rubin opened the public hearing.

Bob Nadelberg asked for confirmation as to whether the subject property is north of the Ross Creek entrance. That was confirmed to be the case. Egress will be via Jordanelle Parkway and Ross Creek. The total density will be 248 units on 88 acres or roughly three units per acre.

There were no further public comments. The public hearing was closed.

Mr. Dansie suggested that any specific conditions of approval be specifically stated in the motion. Chris Baier inquired about the open space between Lots 36 and 37 as being reserved for a potential future right-of-way to Creekside Estates. She suggested that they stipulate that that remain open space as recommended by Mr. Eddington should the development not materialize. It was noted that it would be a good trail connection as well. Because it is part of Phase 3, Jerry Dwinell questioned whether it should be part of the Phase 1 approval. Kurt Shadle's preference was to address it now.

Jerry Dwinell moved to approve Deer Springs Phase 1 plat amendment subject to the conditions set forth in Thomas Eddington's May 23, 2020 report and the TO Engineers Memorandum dated April 28, 2020. In addition, there shall be no more than 31 Building Permits issued before the engineer certifies the secondary access. Additionally, the strip of land between Lots 36 and 37 will remain as open space if not used as a feeder road. Vytas Rupinkas seconded the motion. Vote on motion: Vytas Rupinkas-Aye, Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.

3. Public Hearing – Discussion and Possible Approval of Lakeview Estates Preliminary Application.

Jerry Dwinell reported that the matter was reviewed by the Planning Commission but it has changed since that time. There is a new layout that was considered to be much better. The Planning Commission was concerned with the 30-foot stacked walls. The developer worked with Mr. Eddington to come up with a much better layout that substantially reduces the necessity of walls. A couple of lots were lost but provides more lots on the desirable lakeside.

Procedural issues were discussed. Mr. Dansie commented that the Planning Commission forwarded a positive recommendation but identified issues to be addressed. The Council should determine whether the plan addresses the concerns identified by the Planning Commission. Council Member Dwinell noted that there has not been a substantive change in Equivalent Residential Units ("ERUs"). There is more contiguous open space and they eliminated the hammerheads and a majority of the walls. Most of the concerns raised by the Planning Commission have been positively addressed with the new layout. In terms of ingress and egress, the original plan had three and there are now four.

Connectivity issues were addressed. It was noted that the revised plan does a better job of connecting trails to neighboring communities. A map of the area was displayed. Mr. Brockbank reported that rather than constructing four or five homes of the same style that they mix them up to change the aesthetic. Some of the units are tight so they were working with Mr. Eddington to improve that. Mr. Brockbank stated that ultimately, he will lose 10 lots from the previous plan but the result will be a much better subdivision. The comment was made that the new plan provides more saleable real estate that is desirable with a wonderful lake view. Mr. Eddington was commended for helping with the design.

Mr. Brockbank described the proposed changes to the retaining wall sizes, which were drastically reduced with the new layout. Currently, the highest wall in the project is 12 feet tall. In the park,

one pickleball court, a tot lot, and some picnic tables were proposed rather than two pickleball courts. Support was expressed for the proposed change. It was noted that pickleball courts can be easily converted to something else if desired in the future. Additional amenities were described such as a dog wash. The hope was to provide connectivity by having the HOA negotiate with the State Parks to pay annually for the 69 homes. The desire was for the connectivity to be extended town-wide. The thought was that a better deal could be negotiated if it was community-wide.

Procedural issues were discussed. With regard to side yards, Mr. Brockbank stated that most of the lots are smaller than in the previous iteration. When the property was zoned, stipulations were placed on the property with one being minimum 10-foot side yards. They are asking to go down to 7 ½ foot side yards. Doing so will allow them to build three-car garages on several of the lots. They also agreed to alternate the front setbacks between 20 and 25 feet. They will maintain the 25-foot setback where possible. The rear setback requirement is currently 20 feet and they would need 15 feet to make the project work. Mr. Brockbank was asked to identify which lots require variances.

Chris Baier asked about the trail/stairs identified on the map. Mr. Brockbank stated that trail/stairs are planned to connect with the Deer Waters Phase 3 playground.

Carol Haselton considered what was proposed to be a great improvement. She expressed concern with the project looking like row housing from the lake. Mr. Brockbank stated that they will have single story next to two-story homes and lots of turns within the project. Photos were displayed that were taken from the opposite side of the reservoir looking at Hideout. There was concern raised about the homes looking too similar.

Mayor Rubin opened the public hearing.

Bob Nadelberg commented on the reduced setback proposed in the development. He was concerned about the fire potential due to blind corners and used Lot 328 as an example. He did not support granting variances that reduce the setbacks from the road especially at intersections and curves. Traffic circulation and emergency egress issues were discussed. It was suggested that landscaping be considered between units and avoid planting trees against houses.

There were no further public comments. The public hearing was closed.

Kurt Shadle moved to grant preliminary approval subject to further review of setbacks and corners prior to granting final approval. Vytas Rupinkas seconded the motion. Vote on motion: Vytas Rupinkas-Aye, Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.

4. Continued Public Hearing – Consider Adopting Ordinance 2020-05 Repealing and Replacing Titles 3, 10, 11, and 12 of the Town Code.

Mayor Rubin reported that numerous changes have been made over the past several meetings that resulted in a stronger package. Jerry Dwinell reviewed the changes made since the last meeting.

With respect to Title 3, Council Member Dwinell's understanding was that it was intended to be unchanged from the current Code. Any changes to be made to the Board of Adjustment section should be made separately. He recommended that the changes made by Mr. Dansie be addressed at a later date but leave the Board of Adjustment section unchanged. Mr. Dansie stated that the changes to this section are largely clerical and provide clarification. He did not suggest that they perpetuate the description of a process that is not accurate concerning how they operate the Town. A substantive change was proposed to Section 3.04.2 and deletes the last sentence. From a legal standpoint, the State Code has a defined term about the land use appeal authority. He stressed the importance of being consistent with the State Code.

Appeal issues were discussed. Mr. Dansie responded to a question raised by Council Member Rupinkas and stated that the appeal of a legislative action is to go to the District Court. The appeal authority exists to help someone who is aggrieved by the denial of a permit application, which is an administrative decision. The distinction is that an administrative application is an application of the law. A legislative decision is a discretionary decision of the Town Council with respect to what they want the future of the Town to look like. Mr. Dansie explained that the Board of Adjustment has the authority to hear variances. Board of Adjustment issues were discussed. Gratitude was expressed to all who worked on the proposed ordinance.

Mayor Rubin opened the public hearing. There were no public comments. The public hearing was closed.

The changes made to Title 10 were reviewed and discussed. Updated language added by Mr. Dansie indicated that each day work requiring a permit is performed without a permit shall be deemed a separate violation to item number six. In addition, the Building Official or Town Engineer can require that the work be changed, remediated, removed, or replaced. In addition to the financial penalty, an applicant will be required to address the source of the concern. Several provisions were also added to ensure that all are notified that compliance with all Code provisions is required. Additions were also made to the definitions. More detail was added to the definition of Nuisance.

Reference was made to townhomes being built on the main road into the roundabout. Parking has been taking place on property that is not part of the development. They have obliterated the natural vegetation that existed in the area. It was noted that neither the Town nor the HOA approves of it being left as is and it will need to be revegetated. It was suggested that an appropriate consequence or remedy for the Town be added in connection with the LOD provision.

It was reported that previously there were three places in the document addressing the same issues (open space, public trails, and public space requirements) and there was some mixing of the concepts. They separated the concerns and addressed each separately. The definitions, however, were not included in the document. Mr. Eddington explained that the definition of open space provides a good understanding of what open space is. As a result, a calculation was not included as it is fairly definitive in terms of what is included. It was suggested that verbiage be included specifying that parking spaces, drive parking, and drive aisles do not count toward open space.

Mr. Eddington explained that to item 8 they included the trails being completed and dedicated to the Town. The other alternative may be to address the trails separately and keep them under Town ownership to obtain a public access easement.

Kurt Shadle suggested that the discussion and editing process be postponed to the next meeting in order to address other business. Vytas Rupinkas suggested that they agree on the frequency of meetings. Carol Haselton recognized the importance of this discussion but stated that other relevant issues need to be addressed. Mayor Rubin suggested that by June 5 they target other comments coming in so that by June 11 they are ready to vote. The deadline to receive comments was set as June 5.

Kurt Shadle moved to continue the hearing until June 11, 2020, with questions and comments to be made by June 5. Vytas Rupinkas seconded the motion. Vote on motion: Vytas Rupinkas-Aye, Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.

5. Discussion and Possible Adoption of an Ordinance to Amend the Town Council Regular Meeting Schedule.

It was reported that the proposed ordinance would change the Town Council Meeting schedule to add the second and fourth Thursdays. Because meetings have been very lengthy, the desire was to have the option of having additional days reserved for meetings as needed.

Jerry Dwinell moved to adopt an ordinance to amend the Town Council Regular Meeting Schedule. Carol Haselton seconded the motion. Vote on motion: Vytas Rupinkas-Aye, Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.

6. Discussion Regarding Town Recycling Efforts.

Kurt Shadle made a presentation on recycling and described the Town's recycling efforts. He reported that about one year ago the Council discussed recycling. In the meantime, many issues had come up in the Town. He complimented two Shoreline residents, Dori and Jeff, who were present and have done a lot of research on recycling options and opportunities. Dori approached the Town and offered to spearhead a recycling effort. In the General Plan survey that was conducted, recycling was the number one priority that all agreed was important to do.

The four options were described as follows:

1. Negotiate a mandatory Town-wide curbside pickup by a private contractor.
2. Encourage citizens to privately use curbside pickup.
3. Facilitate citizens to utilize the recycling center in Park City.
4. Delay making a decision.

A photo was displayed of a home with recycling overstuffed in trash cans that going to the landfill. Another option was to utilize Park City more often, however, they are about to lose the existing space due to a change in their Arts Center.

There are two curbside pickup options. The first is Republic. They take most household recyclables except for glass, Styrofoam, and plastic bags. The cost is about \$25 per month with a \$25 initial set up fee for containers. They pick up at the same time as Wasatch garbage collection. The second is an option is a company called Recyclops, which has a strong presence in Utah. They have a sorting facility in Heber City. Like Republic, they also take most recyclable materials including glass. The pricing is \$25 per month including glass or \$17 per month excluding glass. They use a plastic bag system. They also offer a container option that requires homeowners to purchase.

Council Member Shadle stated that the important difference between the two entities is that Republic may not be as aggressive in trying to ensure that materials are to standard. If they are not, the load is taken to the landfill. Recyclops attempts to reuse nearly everything with their goal being zero percent waste. Because they have a local presence, they are focused on being eco-friendly. Republic uses large garbage trucks while Recyclops uses smaller vehicles with a lower carbon output and that are more user-friendly on roads.

Residents can be encouraged to voluntarily recycle or it could be a Town-wide mandate that is included in utility costs. The cost on a Town-wide basis would be in the low teens including glass. He asked for feedback from the Council. Possible options and costs were addressed. Council Member Shadle commented that one of the problems the nation is facing currently is that China is no longer taking our recycling. Having a recycling center in Town is probably smelly and prone to issues with trash being left on the side of the dumpster rather than in the dumpster. Council Member Baier did not think the Town should be in the business of recycling. She asked that a determination be made as to what citizens want before forcing them to pay for recycling. She personally recycles but had found it to be burdensome.

Carol Haselton was under the impression that the Park City Recycling Center had been closed and only recently reopened. She asked about the size of the recycle bin for Recyclops. Council Member Shadle stated that the bin size is half that of the garbage collection bin.

Support was expressed for the second company for several reasons including the smaller bin option, particularly since garage space is at a premium. The concern with the bags is the potential for wind. There was also support for a large 48-gallon container. Plastic bags seemed problematic.

Bart Warner reported that he has been in the waste business for over 30 years and has sold garbage trucks, containers, and roll-offs to major customers in the Utah Valley. He suggested the Town speak with Martin Spencer who discovered that over 80% of companies that claim they recycle take the materials to the landfill. He knows what companies recycle.

Dori reported that she contacted the recycling center in Park City and spoke to them about the various vendors. Recyclops recently purchased another company and the Executive Director indicated that they recycle as much as possible. The problem with Republic is that they have

nowhere to get rid of the recyclables. It was estimated that at least 20% goes to the landfill. In many cases, recyclables are stored in a warehouse because they are unable to sell them to China.

Chris Baier stated that by offering recycling, they will double their trash costs. To pursue this option, she stressed that they should make sure the materials are actually being recycled. The possibility of making recycling mandatory was discussed. Jerry Dwinell suggested getting a commitment from each company on pricing tiers. Glass recycling costs were described.

The Town had been very cognizant about keeping costs down and not placing an undue burden on residents. In addition, if plastic bags are used, glass could be problematic as it is heavy and sharp. It was noted that Recylops will provide the bags. It was recommended that it not be mandated for the affordable multi-family housing units since they do not have individual cans. Once numbers are available, a determination could be made as to the desire for the service in the community. Pricing issues were discussed as well as potential resources.

The need to conduct a second poll on recycling was questioned since it ranked so high previously. Chris Baier did not want to encumber residents with mandated recycling without getting a sense of support based on the knowledge that a percentage of the recyclables may not go to a recycling center.

7. Discussion Regarding Creekside Estates.

It was reported that a site visit was conducted with the applicant earlier in the day. The expectation was that an annexation request would be received in the near future. Kurt Shadle suggested that the discussion be postponed due to the late hour and to allow time to poll other individuals. It was noted that the annexation application had been withdrawn and not yet resubmitted. It did not seem worthwhile to discuss the matter until and unless an application is submitted. The applicant stated that the request was withdrawn to allow the Council to meet and be more informed.

Chris Baier appreciated the applicant taking the time to conduct the site visit. Annexation is completely discretionary on the part of the Council and they will need a reason to annex in the property.

Jerry Dwinell stated that the property is surrounded by the Town of Hideout and the State Park. The only way development can occur on the property is if one of the two entities agrees to allow a road to service the property. The applicant stated that the access is required and authorization has already been granted. The property currently has access rights and a road will go through eventually. The density proposed on the property is 1.2 units per acre. The hope was that they can work together and come up with a plan that works and provides more beauty and access for everyone.

8. Discussion Regarding Status of the Town's COVID-19 Safety Practices.

Mayor Rubin suggested that the Council follow Summit's guidelines and piggyback on what they are doing. In terms of staff, they have staff working from home but they are available in the Town

Office on certain days of the week in person with masks being worn. On July 1, an anchor site for meetings will be required unless the Governor extends the executive order.

In the case of Hideout, Mayor Rubin stated that having staff work from home has been awkward and inefficient but doable. Chris Baier wanted to do what is best for staff. Mayor Rubin pointed out that there is a natural barrier between the public and staff in the form of a window that is greater than six feet. Council Member Baier offered to work with Town Administrator, Jan McCosh to prepare a proposal and make a presentation at the next meeting. The pros and cons of having an anchor site were discussed.

IV. PUBLIC INPUT – FLOOR OPEN FOR ANY ATTENDEE TO SPEAK ON ITEMS NOT LISTED ON THE AGENDA.

A letter submitted by Sheri Jacobs to Kurt Shadle was submitted and made part of the record. It addressed development down below and potential impacts.

Dan Dansie explained that in the future if there is a specific issue being discussed, feedback received can be referenced. Not every public comment rises to the level of needing to be included in the public record. Interest, however, was expressed by a Council Member that comments submitted to the Town be made available for review since they are representatives of the citizens. It was suggested that a public information session be held regarding Town comments. Mr. Dansie suggested that the Council ensure that the information provided is factually accurate. Mayor Rubin offered to work with Mr. Eddington to prepare a Town Hall Meeting format communication package first followed by a question and answer period.

There was no further public input. The public input period was closed.

V. ADJOURNMENT.

Council Member Shadle moved to adjourn. The motion was seconded by Council Member Rupinkas. The motion passed with the unanimous consent of the Council.

The Town Council Meeting adjourned at approximately 10:54 p.m.