

Minutes
Town of Hideout Planning Commission
Regular Meeting and Public Hearing
October 17, 2024
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on October 17, 2024 at 6:00 PM in person and electronically via Zoom meeting.

Regular Meeting and Public Hearing

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:02 PM and reminded participants that this was a hybrid meeting held both electronically and in-person.

II. Roll Call

Present: Commissioner Rachel Cooper
Commissioner Joel Pieper

Attending Remotely: Chair Tony Matyszczyk
Commissioner Donna Turner (arrived 6:11 PM)
Commissioner Chase Winder (alternate, arrived at 6:30 PM)

Excused: Commissioner Glynnis Tihansky
Commissioner Peter Ginsberg (alternate)

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

Staff Attending Remotely: Jan McCosh, Town Administrator
Cameron Platt, Town Attorney
Thomas Eddington, Town Planner

Public Present: Bill Woolf, Alycia Skousen.

Public Attending Remotely: Jeremy Sheppe, Jay Springer, Mimi Denton and others who may not have signed in using proper names in Zoom.

III. Approval of Meeting Minutes

1. September 19, 2024 Planning Commission Minutes DRAFT

There were no comments on the September 19, 2024 draft minutes.

Motion: Commissioner Pieper moved to approve the September 19, 2024 Planning Commission Minutes. Commissioner Cooper made the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk and Commissioner Pieper. Voting No: None. Abstaining from

Voting: None. Absent from Voting: Commissioner Tihansky and Commissioner Turner. The motion carried.

IV. Public Hearings

Chair Matyszczyk adjusted the order of the agenda items from that in the published agenda.

1. Consideration and possible recommendation to the Hideout Town Council regarding a proposed lot combination in the Soaring Hawk Subdivision, lots 65 and 66, located at 11476 N White Tail Ct and 1081 E Black Hawk Way (parcel ID # 00-0021-1018 and 00-0021-2017)

Town Planner Thomas Eddington provided an overview of this item and referenced the Staff Report which had been included in the meeting materials distributed prior to the meeting. He noted the existing lots were 0.25 and 0.22 acres, respectively and the resulting lot combination would result in a lot of approximately 0.5 acres on a corner lot at the intersection of White Tail Court and Black Hawk Way. He stated the zoning was Resort Specially Planned Area (RSPA) within a Resort Village high density pod overlay that did not require any specific setbacks. He stated that under the Master Development Agreement (MDA), the Homeowners Association (HOA) determined setbacks which typically included six-foot Public Utility Easements (PUE) along all property lines, as well as building heights that were generally 35-feet but determined by the Design Review Committee (DRC). He noted there was currently no development on either lot, and that the property owner intended to build a single-family home on the combined lot.

Mr. Eddington discussed several staff recommendations regarding the proposal which included 1) the requirement for the future home to comply with the maximum home size on the combined lot not to exceed 125% of the allowable home size on a single lot per the HOA and DRC policies; 2) minimum setbacks to be recorded as 20-feet in the front, 15-feet along the sides and 20-feet in the rear; 3) the curb cut onto the combined lot must be located as far away from the intersection as possible for safety reasons; 4) no additional parking pads, storage units or accessory structures may be included on the property; 5) the requirement for the Applicant to adhere to all HOA and DRC requirements regarding retention of existing topography and native vegetation outside of the Limited Area of Disturbance set for the construction; and 6) the Applicant must confirm that there are no utility lines located between the existing lots.

Commissioner Joel Pieper asked for clarification on the zoning of the subdivision. Chair Matyszczyk asked for confirmation on the location of the curb cuts for a future driveway. Commissioner Rachel Cooper asked what the maximum square footage of the future home would be. The Applicant, Mr. Jeremy Sheppe stated it was 3,600 square feet for a single lot and up to 4,500 square feet for a combined lot. Mr. Sheppe also stated he expected the driveway location would be located along the right-side lot (Lot 65 on Black Hawk Way).

Chair Matyszczyk opened the floor for public comments at 6:12 PM. There were no public comments, and the public hearing was closed at 6:13 PM.

2. *Motion: Commissioner Pieper moved to make a positive recommendation to the Town Council regarding the proposed lot combination in the Soaring Hawk Subdivision, lots 65 and 66, located at 11476 N White Tail Ct and 1081 E Black Hawk Way (parcel ID # 00-0021-1018 and 00-0021-2017) with the setbacks and other conditions discussed. Commissioner Winder made the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper and Commissioner*

Winder. Voting No: None. Abstaining from Voting: none. Absent from Voting: Commissioner Tihansky and Commissioner Turner. The motion carried.

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

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

Mr. Springer, an attorney with Smith Hartvigsen, stated he was working under a contract with the Department of Workforce Services which was funding this program to assist municipalities in the adoption of this legislation which had been passed by the State of Utah in 2023 and 2024 regarding subdivision procedures for municipalities throughout the State.

Mr. Springer provided an overview of the new legislation and its impact on the current Hideout Town Code and procedures related to the approval of new subdivisions. He referenced a questionnaire which had been included in the meeting materials and noted the deadline for adoption of compliant Town Code was December 31, 2024. He stated much of this was procedural and did not affect zoning, but did provide applicants with several new rights when applying for new subdivisions.

Mr. Springer discussed the new regulations which included the requirement for the Town Staff to identify all potential deficiencies in a subdivision application during the initial review process. If any item is missed at this stage, it will be waived under the new rules. Thus, the Town is incentivized to be very thorough at the beginning of the process.

Mr. Springer reviewed in detail the redlined version of the current Town Code which would be impacted and sections where input from the Town regarding preferences would be appropriate. He discussed the changes to the roles of the Planning Commission and Town Planner under the new rules, and the new process for subdivision approvals. He noted the new statutes removed Town Council from approval process of all individual new subdivision applications for all single-family, two-family and townhome developments. He also noted the role of Town Council would be to set policy, the Planning Commission's role would be limited to preliminary review, and the Town would need to determine what was to be included in a preliminary review per the subdivision application. This would result in a fully developed preliminary review being presented to the Planning Commission at which time a Subdivision Improvement Plan (SIP), which would include all civil drawings, would be presented. After the Planning Commission approves a preliminary application, no additional changes would be made to the Final Application other than the Town Staff making the application ready for mylar printing and signatures.

Mr. Springer noted under the new statutes, only one public hearing may be held for a subdivision application. He stated a decision for approval may be continued by the Planning Commission, but a continuation of a public hearing would no longer be permissible. He explained that if a decision could not be made at the time a public hearing was scheduled, the public hearing could be rescheduled or held as scheduled but with the Planning Commission to continue a decision to a future date.

Mr. Springer clarified his role was to represent the Town, not the State of Utah which was paying for his services.

Mr. Springer discussed the specifics for new timelines for the application process which would be very granular and would need to include all aspects of the application rather than reviewing the application and providing comments in pieces. He discussed the new timelines and procedures for stopping the clock when comments were sent back to an applicant.

Commissioner Cooper asked if public comments could be in the form of written comments and reviewed outside of the one public hearing. Mr. Springer stated that it should not be an issue, and a policy could be adopted which made such written comments part of the official record.

Commissioner Pieper asked for some background on why the statute limited just one public hearing. Mr. Springer discussed the legislature's desire for these subdivision approvals to be administrative. He stated if an application "checked all the boxes" per the Town's code, the applicant would be entitled to receive an approval, and public comment technically would not influence an outcome. He also stated another intention behind the legislation was to speed up the approval process and to provide more clarity on the requirements for a new subdivision application.

Mr. Eddington asked if all existing development requirements would still apply to which Mr. Springer responded yes, and that it was the responsibility of the Town Council to set all such detailed policy requirements which would then leave the application approvals to be made by the Planning Commission as administrative functions.

Commissioner Pieper asked about next steps. Mr. Springer responded he was close to completing the markup of the Town Code, with final technical changes to be incorporated with the input of the Town Attorney. Mr. Springer reviewed the changes in each Town Code section which included:

- procedures to work out disputes
- automatic vesting and expirations of entitlements
- requirements that certificates of occupancy may not be withheld for the completion of private landscaping
- authority and roles of Planning Commission and Town Planner with regard to land use applications
- Town Council roles
- requirements that all subdivision required items be posted to the Town website
- third party comments or approvals being the responsibility of the applicant to provide to the Town
- changes to Concept Plan package/Pre-Application meeting requirements as being optional under new statutes
- Subdivision Improvement Plans (SIPs) required as part of the preliminary review,
- timeline for Ordinance review within 30 business days and 40 business day review of the SIP and
- the requirement for a detailed review log.

Mr. Springer explained that if an applicant has met all requirements in its submission, then the Planning Commission would approve the application. Any conditions included with an approval must be supported by Town Code. Changes to Final plat procedures reflected updates to be consistent with these new preliminary stage procedures. Mr. Springer also discussed the requirement that Towns cannot consider applications outside of an application under consideration unless it is part of a phased development under a development agreement. Mr. Springer provided

examples such as secondary access points or open space being proposed for a later date, but not covered in a phased development agreement.

Mr. Eddington asked how an existing multi-phase development agreement would be treated under the new statute. Mr. Springer replied this may need specific research by the Town Attorney, based on the terms of the development agreement already in place.

Mr. Springer indicated he still had some issues regarding phasing to be addressed with the Town Attorney. He also suggested the Town review its zoning code which was outside of the scope of this project, but important to the overall process. Mr. Springer stated he would come back to the Planning Commission next month for a final review and recommendation to Town Council. He also clarified that any applications currently under review would be grandfathered under the existing Town Code.

Town Recorder Alicia Fairbourne asked whether the Town Planner's signature would be required on plats going forward; Mr. Springer replied this would be at the Town's discretion. He also suggested the Town Attorney continue to be the final signatory on all plats.

Given the timing for scheduled Town Council and Planning Commission meetings, Mr. Springer suggested sending the current draft to the Town Council for review at its November meeting to ensure meeting the year-end deadline for adoption of new code language.

The public hearing was opened at 7:26. There were no public comments, and the public hearing was closed at 7:26.

Motion: Commissioner Pieper moved to continue this matter to the November 21, 2024 6:00 PM Planning Commission meeting. Commissioner Cooper made the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper and Commissioner Turner. Voting No: None. Abstaining from Voting: None. Absent from Voting: Commissioner Tihansky. The motion carried.

V. Continued Public Hearings (from September 19, 2024 meeting)

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

Chair Matyszczyk reported the applicant had requested this matter be continued to a date certain of November 21, 2024 at 6:00 PM. As this item was noticed as a public hearing, the meeting was opened for public comment at 7:28. There was no public comment, and the public hearing was closed at 7:28 PM.

Motion: Commissioner Turner moved to continue the discussion and possible recommendation to Town Council regarding a final Subdivision Approval of Shoreline Phase 4 subdivision to the November 21, 2024 6:00 PM Planning Commission meeting. Commissioner Cooper made the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper and Commissioner Turner. Voting No: None. Abstaining from Voting: None. Absent from Voting: Commissioner Tihansky. The motion carried.

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

Chair Matyszczyk reported the applicant had requested this matter be continued to a date certain of November 21, 2024 at 6:00 PM. As this item was noticed as a public hearing, the meeting was opened for public comment at 7:30 PM.

Mr. Bill Woolf, resident and property owner on SR-248 adjacent to this property under discussion, shared his concerns with the proposed project. He stated he had lived on his property since 1999 and was supportive of development in general, but he was not in favor of this re-zoning for commercial development. He noted the parcels under discussion had a 20-foot building height restriction which had been created when he purchased his property to protect his views from future development, and the building design previously presented was in violation of that height restriction. Mr. Woolf also had concerns about noise and food odors from a restaurant-related business which he felt would negatively impact his enjoyment of his property; he stated there were other areas in Hideout better suited for such commercial development and he had concerns with the viability of a restaurant at this location.

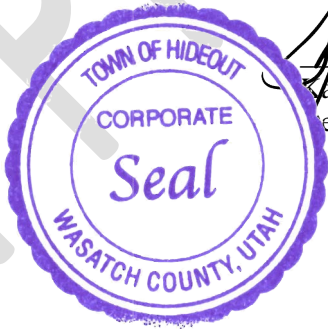
There was no other public comment, the public hearing was closed at 7:34 PM.

VI. Meeting Adjournment

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

Motion: Commissioner Pieper moved to adjourn the meeting. Commissioner Cooper made the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper and Commissioner Turner. Voting No: None. Absent from Voting: Commissioner Turner. The motion carried.

The meeting adjourned at 7:36 PM.



Kathleen Hopkins
Kathleen Hopkins
Deputy Recorder for Hideout