

Minutes
Town of Hideout
Hideout Town Council Regular Meeting and Public Hearing
November 10, 2022

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on November 10, 2022 at 6:00 p.m. electronically via Zoom due to the ongoing COVID-19 pandemic.

Regular Meeting

I. Call to Order

1. No Anchor Site Determination Letter

Mayor Rubin called the meeting to order at 6:02 p.m. and reminded participants there was no physical anchor site for the meeting.

II. Roll Call

Present: Mayor Phil Rubin
Council Member Chris Baier
Council Member Carol Haselton
Council Member Bob Nadelberg (*joined at 6:34 p.m.*)
Council Member Ralph Severini

Excused: Council Member Sheri Jacobs

Staff Present: Town Attorneys Polly McLean (*excused at 7:44 p.m.*) and Cameron Platt
Town Administrator Jan McCosh (*excused at 8:00 p.m.*)
Town Planner Thomas Eddington
Director of Engineering and Public Works Timm Dixon
Director of Public Works Daniel Allen
Recorder for Hideout Alicia Fairbourne

Others Present: Kaye Lee, Planning Commissioner Jonathan Gunn, Larry Eisenfeld, Katie Shepley, David Sherwood, Patrick Todd, Grey Garza, Damian Taitano, Nate Brockbank, Patricia Bidwell and others who may have logged in using a partial name or using only a phone number.

III. Update on Golden Eagle Subdivision

Mayor Rubin stated progress had been made. Several identified issues were addressed, and the repairs were nearly complete. The water tank was filled and closed, however, only one of two required sources of power were operational. The Town had continued to pursue obtaining the drawings for the storm drain system, which was another requirement. A section of road needed to be paved, which was being worked on. Town Attorney Polly McLean noted as the systems

were completed, the financial assurance declined. Mayor Rubin stated once the water system was fully operational, testing was required to ensure it was safe for consumption.

Council Member Baier asked for clarification, and reiterated because the infrastructure was not fully operational, no building permits or certificates of occupancy could be issued. Mayor Rubin confirmed and noted one certificate of occupancy was issued; however, the home was using an alternative, temporary water supply which was not intended to be a source of water for the remainder of the subdivision. Ms. McLean further clarified certificates of occupancy required a substantial completion of infrastructure and had different standards than those required for a building permit.

Mayor Rubin mentioned the paving would need to be completed for emergency apparatus to access the subdivision.

IV. Public Hearing

1. Consideration and possible approval of Phases 2 and 3 of the Lakeview Estates Subdivision

Town Planner Thomas Eddington presented the Staff Report for the Lakeview Estates Subdivision and provided an overview. He noted the overall subdivision plan had been reviewed and approved by Council on October 8, 2020. Phase 1 was recorded in March, 2021. The applicant was seeking final approval for the remaining two (2) phases. He further explained no changes had been made to the remaining phases since approval and all the conditions were in place.

Phase 2 and 3 of the Lakeview Estates Subdivision included fifty-nine (59) lots, with several areas for open space and a park. Mr. Eddington reviewed the various design modifications which were made from the original plan in order to meet the requirements of the deed restriction on the property. This included adjusting the setbacks on several lots, reducing the height of the retaining walls, and reducing the size of several lots. He further noted the open space exceeded the required twenty percent (20%).

Council Member Haselton noted a discrepancy regarding the approved density listed in the Staff Report and what was listed in the deed restriction. Mr. Eddington explained when the original application was submitted, the area was zoned as Residential Single Family. The intention was to evaluate a Planned Performance Overlay District, which was incorporated into the Hideout Municipal Code at that time. A Planned Performance Overlay District would allow flexibility in density. Although the Council approved the development to be classified as Residential Medium Density, which would allow up to sixty-nine (69) units, there were concerns of the development not appearing as a single-family unit development due to the smaller lot sizes. At that time, the Council negotiated a deed restriction on the development which would allow fifty-nine (59) units, limit the height of the units to thirty-five (35) feet, and allow up to six (6) units per acre, although the applicant was proposing only three (3) units per acre.

Council Member Baier inquired if the homes would be smaller homes because of the height restriction and smaller lots. Applicant Patrick Todd confirmed each unit would be approximately thirty-five hundred (3500) square feet on a third (1/3) acre lots.

Council Member Baier inquired if the open space would be landscaped, to which it was confirmed the developer would coordinate a landscape plan to ensure native vegetation was planted upon completion of the subdivision.

Council Member Baier inquired if there were adequate water shares for the development. Mayor Rubin pointed out it was included in the proposed Resolution that the developer would supply enough water shares and a will-serve letter from Jordanelle Special Service District (JSSD). Mr. Todd confirmed adequate water shares were in place.

Council Member Haselton noted the Resolution needed clarification regarding the location of the development and asked Mr. Eddington to add in the Findings of Fact, #5 that the property was situated between Shoreline Subdivision Phases 2 and 3/3A, and Deer Waters Phases 1, 2 and 4. Mayor Rubin suggested in the future to include the plat numbers on the Resolution.

Council Member Baier asked about the location of the trails and where the potential connection to the park was located. Mr. Eddington showed the connection as the far northwestern corner of the subdivision, which was noted on the plat. He explained the trails were not shown on the plat map, however; they were shown on the construction plan set. The trails would be incorporated upon completion of construction in order to provide some flexibility and ensure the use of all public utility easements was allowed. He further noted the trails would be paved and would connect to the existing trail system. A trail would also be added to connect to the pickleball courts in the Deer Waters Subdivision.

Parking for the pickleball courts and snow storage were discussed. Mr. Eddington and Mr. Todd specified where the visitor parking was located. Mayor Rubin noted the setbacks were such that they allowed most of the snow to be pushed onto the sides of the roads. Additional snow storage was located near the entrance of the subdivision as well as north of the three lots which were to the left of the power line easement.

Council Member Baier verified the roads were at the current standard of twenty-six feet (26') wide. Mayor Rubin and Mr. Eddington confirmed they met the current code.

There being no further questions from Council, Mayor Rubin opened the floor for public comment at 6:42 p.m. There were no comments from the public, and therefore, public input was closed at 6:43 p.m. Mayor Rubin called for a motion.

Motion: Council Member Haselton moved to approve Resolution 2022-R-15 approving the Lakeview Subdivision Phases 2 and 3 with the language modifications made to #5 of the Findings of Fact section. Council Member Baier made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Jacobs. None opposed. Motion carried.

V. Public Input - Floor open for any attendee to speak on items not listed on the agenda

At 6:45 p.m., Mayor Rubin opened the floor for the public to speak on items not listed on the agenda.

Damian Taitano – Mr. Taitano noted he was a lot owner in Golden Eagle and stated he received plan check corrections in July and had yet to hear back from the Town. He asked who the appropriate Staff was that he could direct his specific questions to. Ms. McLean addressed Mr. Taitano, stating there were certain conditions which had been met and other conditions which would need to be addressed with the developer. Mayor Rubin asked Ms. McLean and Director of Engineering and Public Works Timm Dixon to follow up with Mr. Taitano and address his questions directly.

Council Member Baier noted that, although she understood the urgency of addressing the issues in Golden Eagle, having direct conversations with each lot owner took valuable time away from other business matters, and urged lot owners to be patient and understand the Town was working as quickly as possible.

Mayor Rubin stated Staff needed to be sensitive to the fact that the owners may not know the details and complexities of the code requirements and should provide more clarification when addressing the specific requirements.

There being no further comments, Mayor Rubin closed public input at 7:06 p.m. and moved to the agenda items.

VI. Agenda Items

1. Presentation of financials for fiscal year ending 6/30/2022

Katie Shepley reviewed the financials of Fiscal Year (FY)22 and compared them to FY21. As a summary:

- **Property taxes:** positive \$188,000 due to property taxes, sales, and municipal energy taxes, and the increased number of residents.
- **Licenses and Permits:** positive \$187,000 due to the higher project and subdivision fees. However, some building permit fees were lower as there were one-hundred two (102) building permits issued in FY22 as opposed to one-hundred forty three (143) issued in FY21. Grant money was received from the American Rescue Plan Act (ARPA) due to the lower building permit revenues.
- **Administrative Expenses:** higher by \$55,000 due to increased salaries and benefits for Staff as well as hiring additional employees in FY22.
- **Professional Services:** higher by \$173,000 due to building inspections, planning, and plan reviews.
- **Public Safety:** higher by \$56,000 due to the inability to utilize public COVID funds.

Overall, the Town was negative approximately \$68,000 from FY21 because of increased salaries, increased street expenses, and the engineering associated with the increased number of building permits issued in FY21.

Mayor Rubin asked how the deficit compared to the tentative budget which was presented in May, 2022. Ms. Shepley explained some adjustments would be needed and would make them for the FY23 budget.

Ms. Shepley reviewed the Water Fund. She noted an overall deficit of approximately \$500,000 and explained there were salary and wages, write-offs of unbillable reservation fees, higher service expenses and higher depreciation which contributed to the deficit. Mayor Rubin asked if the year could be closed showing the deficit in the Water Fund. Ms. Shepley explained the Water Fund had different requirements than the General Fund and could be closed with a deficit.

Council Member Severini asked what measures would need to be done in FY23 to ensure there was not an additional deficit. Ms. Shepley reiterated the deficit was largely due to unbillable

write-offs, and stand-by fees and water reservation fees which were not charged in FY22. She noted those would not affect FY23. Council Member Severini asked if the deficit would result in increased water rates. Ms. Shepley stated there was a slight increase in the water rate but did not anticipate a rate increase for residents. She stated she would present the financials on a quarterly basis to Council and provide a forecast for the following three quarters to anticipate any future opportunities and risks.

Mayor Rubin thanked Ms. Shepley for all the work she had done with the Town's financials. Town Administrator Jan McCosh noted Ms. Shepley was a resident of Hideout and had over forty (40) years of experience in finance and accounting and had worked as a Chief Financial Officer in a global corporation. She was also currently serving on the Town's Budget Committee.

2. Discussion regarding nightly rentals in the Town of Hideout

Ms. McLean explained there were several subdivisions that did not fall under the Master Homeowner's Association (HOA) which could potentially allow nightly rentals. It had been discussed on several occasions if the Town should allow nightly rentals and if so, a clear Ordinance should be adopted regarding how the homes should be managed. Mr. Eddington stated the reason for this discussion was due to a developer who brought forth a concept plan to the Planning Commission which included smaller, cottage-type housing along the west side of Jordanelle Parkway. The developer proposed the subdivision be allowed nightly rentals, with several affordable housing units incorporated into the subdivision. The developer also proposed some commercial development as well as a community center with a pool, et cetera. Mr. Eddington explained the Planning Commission concluded it was worthy of a discussion for Council to consider. He further noted the results of the planning survey sent to residents in June 2022 indicated residents were not in favor of nightly rentals, however; because this subdivision was outside of where the majority of the community resided, it could serve as a prototype area for consideration for other areas of Hideout. He further mentioned if Council did not approve the nightly rentals, the developer would follow through with the thirty-six (36) townhouses which were previously approved.

Ms. McCosh stated the Economic Development Committee had done some research on nightly rentals and found the taxes could be quite lucrative for the Town. She mentioned there was a new financial product which used a similar concept as a Public Improvement District (PID) for a tourism district and the findings were that nightly rentals could outperform hotels. She suggested considering how the Town could effectively maximize the benefit to the Town without destroying community character.

Council Member Baier noted the proposed area fell within the Military Installation Development Authority (MIDA) and asked how that would impact the Town's revenue. Ms. McCosh stated the developer was willing to amend the Interlocal Agreement with MIDA in order to provide more revenue to the Town. Mayor Rubin reminded Council that previous discussions concluded nightly rentals would be considered on a case-by-case basis and, if allowed, should be on the periphery of the Town.

Council Member Baier stated she was open to the idea but would like to see more affordable housing within the Town. Mr. Eddington suggested five percent (5%) of the homes could be designated as affordable housing, although there was no requirement for the developer to

comply. He stated there were some units located above the small commercial development pad area which could be designated as affordable housing. It was also suggested those units be available for on-site property managers for the clubhouse and nightly rentals.

Ms. McCosh mentioned an initiative in the legislature to incentivize affordable housing by creating a quicker process through the Town's approval system.

Mayor Rubin suggested creating an Ordinance which would clarify that nightly rentals would be considered on a case-by-case basis. Mr. Eddington also suggested creating an overlay district which would include a set of specific conditions; for example, geographical area, house size, et cetera, which could be examined and considered when a request for nightly rentals was made. Mayor Rubin asked Mr. Eddington to create separate and distinct criteria and present them in a future meeting. Council Member Baier asked for future transit to be taken into consideration when creating the criteria.

Ms. McLean noted Assistant Town Attorney Cameron Platt was present at the meeting and therefore, asked to be excused.

3. Consideration of adopting Ordinance 2022-O-XX amending Title 8, Chapter 4 "Obstructions of Public Streets and Property"

Mayor Rubin reminded Council this Ordinance had been previously discussed, however; the language in the Ordinance was not as concise as it should have been. Mr. Platt had reviewed the Ordinance and modified it to be more clear.

Mayor Rubin stated a letter was submitted by a resident who indicated his driveway was at such an angle that gutter ramps were needed in order to protect his vehicle from damage. Mayor Rubin understood the desire for residents to smooth out the drop from the driveway to the road with the installation of gutter ramps, but noted the Town could be liable for damage to the gutter ramp, or the homeowner could be liable for damage to the snowplow blades in the event the gutter ramps were hit during snow removal.

Council Member Baier inquired if a compromise could be made to require a pole or flag to be installed to indicate to the driver of the snowplow that there was a gutter ramp at that property. Council Member Haselton asked if the snowplow driver could possibly lift the blade of the snowplow when a gutter ramp was present. Director of Public Works Daniel Allen stated it was a safety issue for the snowplow drivers and noted it would not be possible to plow the snow from curb to curb if the gutter ramps were in place. Council Member Baier agreed the road widths were fundamentally narrow so not plowing from curb to curb would be problematic.

Several possible solutions were discussed, which included issuing a permit allowing certain homeowners who require the gutter ramps, removing the ramps within a certain timeframe during and after snowfall, and prohibiting the ramps completely between October through April.

David Sherwood – Mr. Sherwood stated the roads in his subdivision were plowed by a private company contracted by the HOA and he had worked with the company during the previous two years to allow and work around the gutter ramps on his property. Mayor Rubin acknowledged Mr. Sherwood's rebuttal that the roads in his development were the responsibility of the HOA, however; the roads would eventually be accepted by the Town and maintenance would become the Town's responsibility. Mayor Rubin was open to the option of allowing the subdivision's

HOA to maintain the roads. He detailed the additional responsibilities the HOA would be liable for should the roads be privately owned by the HOA.

Discussion regarding Mr. Sherwood's specific driveway and vehicles ensued.

Mayor Rubin gave Council the option to continue the decision to a future meeting in order to offer additional solutions. Although Council Member Baier was sympathetic to Mr. Sherwood's steep driveway slope, she expressed concern regarding waiting until the December Council Meeting and having additional snow in the forecast, which would pose a safety issue to the Public Works drivers.

Council Member Haselton inquired if the Ordinance was specific to gutter ramps, or if all obstructions were included. Mayor Rubin explained the Ordinance included all obstructions during the winter months.

Council Member Severini offered two corrections to the Ordinance:

- Section 8.04.030: add language to give examples of types of obstructions; *“(for example, but not limited to: bridges or ramps)”*
- Section 8.04.020(B): the code language needed to coordinate with the winter parking town signage of October 31 through April 15

Discussion regarding the current zoning standards for driveway slopes ensued.

There being no further discussion or questions from Council, Mayor Rubin asked for a motion to adopt Ordinance 2022-O-07 with the amendments to the language mentioned above.

Motion: Council Member Baier moved to adopt Ordinance 2022-0-07 with the amendments in Sections 8.04.030 and 8.04.020(B) as noted. Council Member Haselton made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Jacobs. None opposed. Motion carried.

Council Member Severini wanted to review and evaluate future zoning changes to ensure future developers understood the consequences of allowing driveways of over ten percent (10%) grade. Mayor Rubin asked Mr. Eddington to review those changes.

Mayor Rubin asked Mr. Dixon and Mr. Allen to inform specific homeowners who had the gutter ramps installed of the new Ordinance. A notice would be included in the newsletter which was emailed to residents and made available publicly on the website and Town app. Council Member Severini asked to include an explanation of how carefully the Council considered the language and why the Ordinance was ultimately approved.

VII. Committee Updates

1. Planning Commission - Jonathan Gunn

Planning Commissioner Jonathan Gunn presented upcoming agenda topics for the Planning Commission, which included the potential Creekside Annexation, potential Benloch Annexation, and voting on a recommendation to Council for Deer Springs Phase 3 subdivision.

2. Community Engagement Committee - Sheri

Council Member Jacobs was excused from the meeting, so no update was made.

3. Parks, Open Space and Trails (POST) Committee - Chris

Council Member Baier provided an update regarding a meeting which was held on October 20. She stated Ms. McCosh was working with Don Taylor to ensure Hideout's trail plans were incorporated into the regional master plan. Ms. McCosh was also working on potential grant opportunities, specifically a grant to cover engineering costs to evaluate the spine trail along HWY248. This would provide a ten-foot (10') wide, paved trail for various users.

There was a previous discussion regarding hunting within Jordanelle State Park. The Committee was awaiting additional information from Ms. McLean in order to educate the community on hunting regulations. The suggestion was to create a map to specify the distance from homes in which hunting was permitted.

The Ross Creek State Park entrance was closed for winter construction. There would be access to the perimeter trail which would be groomed for cross-country skiing through Hailstone or another Park entrance.

The Keetley memorial signs currently located along the Park trail were discussed. The signs may be redesigned to be more ADA compliant and the possibility of moving them to a commemoration site with a Japanese garden within the Town was suggested.

4. Transportation Committee - Carol

Council Member Haselton had a conversation with Park City Transit and discussed the upcoming bus schedule. Although the schedule had not been finalized, arrangements had been made to run a bus from the Richardson Flat parking area beginning on December 11. The bus would run every twenty (20) minutes starting at 6:00 a.m. through 11:00 p.m. The bus would make one stop at Park City High School, then go from Bonanza Drive to the Old Town Transit Center where passengers will transfer to a different bus. She noted this was a temporary, trial route through the ski season, and if there were not enough users, it may not continue in the future.

5. Hideout Design Review Committee (DRC) - Thomas

Mr. Eddington stated the DRC was working through some design submittals from Deer Springs Phases 2 and 2A as well as some of the Lakeview single-family units.

VIII. Approval of Council Minutes

1. April 14, 2022 Town Council Meeting Minutes DRAFT

Mayor Rubin noted on page 2 line 5, clarification was needed to state that "*...the State had chosen to relax that requirement for structures less than ten thousand (10,000) square feet.*"

Council Member Haselton noted on page 2 line 21, the line should read "*...limited common area...*".

2. May 12, 2022 Town Council Meeting Minutes DRAFT

Council Member Haselton made a correction on page 3 line 12 which should read “*could be deposited in the dumpster.*”

There was a correction on Page 3 line 19 to replace the word “*spends*” with “*spending*”.

An addition to page 6 line 17 to read: “*...to the previous code when they were approved.*”

3. June 09, 2022 Town Council Meeting Minutes DRAFT

A clarification was made to page 5 line 13 to read: “*He reminded residents that a survey was sent to Hideout residents regarding the future development of Hideout...*”

A correction to page 5 line 14 to read: “*... 250 responses were received as of the date of this meeting.*”

4. July 14, 2022 Town Council Meeting Minutes DRAFT

A correction to page 3 line 32 to read: “*... clarification would be made in the Ordinance so as not to contradict itself.*”

There being no further corrections, Mayor Rubin asked for a motion to approve all sets of minutes with the noted corrections.

Motion: Council Member Nadelberg moved to approve the April 14, 2022, May 12, 2022, June 9, 2022, and July 14, 2022 sets of minutes with the amendments mentioned. Council Member Baier made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Jacobs. None opposed. Motion carried.

IX. Follow Up of Items Related to Council Minutes

Council Member Severini inquired about the additional dumpsters mentioned in the May 12 minutes as it related to the construction debris. Mayor Rubin stated the Public Works Staff patrolled the Town twice per day to ensure debris was placed in the dumpsters from construction sites. He noted the builders should be encouraged to call for dumpster removal when the dumpsters are near full to prevent spillage.

Council Member Severini inquired if a report had been compiled regarding the water usage as noted in the June 9 minutes. Mayor Rubin stated an analysis was being made and he would report to Council once it was complete.

Council Member Haselton inquired if the emergency training videos were distributed. Mr. Platt stated those videos would be sent.

Council Member Haselton asked if there was a follow up made to the residents in violation of the weed abatement Ordinance. Mr. Platt stated only seven (7) owners were in violation, to which the Town sent a contractor to their properties to spray the noxious weeds. Reimbursement would be sought from the land or homeowners for that service.

X. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed

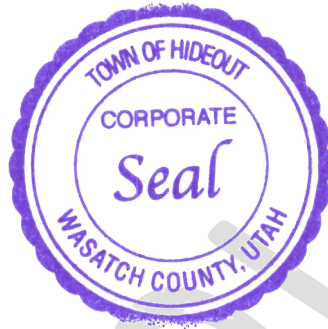
There was no need for a closed executive session.

XI. Meeting Adjournment

There being no further business, Mayor Rubin asked for a motion to close the meeting.

Motion: Council Member Nadelberg moved to adjourn the meeting. Council Member Baier made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Jacobs. None opposed. Motion carried.

The meeting adjourned at 9:22 p.m.



Alicia Fairbourne
Alicia Fairbourne, Recorder for Hideout

APPROVED