



HIDEOUT, UTAH PLANNING COMMISSION REGULAR MEETING AND PUBLIC HEARINGS

May 16, 2024

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Hideout, Utah will hold its Regular Meeting and Public Hearings electronically and in-person at Hideout Town Hall, located at 10860 N. Hideout Trail, Hideout Utah, for the purposes and at the times as described below on Thursday, May 16, 2024.

All public meetings are available via ZOOM conference call and YouTube Live.

Interested parties may join by dialing in as follows:

Zoom Meeting URL: <https://zoom.us/j/4356594739>
To join by telephone dial: US: +1 408 638 0986 **Meeting ID:** 435 659 4739
YouTube Live Channel: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Regular Meeting and Public Hearings

6:00 PM

I. Call to Order

II. Roll Call

III. Approval of Meeting Minutes

1. [March 21, 2024 Planning Commission Minutes DRAFT](#)

IV. **Public Hearings**

1. [Discussion and possible recommendation to the Hideout Town Council of an amendment to lot R-3 of Hideout Canyon Phase 8 \(parcel number 00-0020-8717\) to relocate the twenty foot \(20'\) wide limited common area for the driveway](#)
2. [Discussion and possible recommendation to the Hideout Town Council for amendments to Hideout Municipal Code Chapter 10.08, including, but not limited to, placement of hot tubs as in 10.08.08.15](#)

V. Agenda Items

1. Discussion of future planning needs and ideas

VI. Meeting Adjournment

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Mayor or Town Clerk at 435-659-4739 at least 24 hours prior to the meeting.

File Attachments for Item:

1. March 21, 2024 Planning Commission Minutes DRAFT

1 **Minutes**
2 **Town of Hideout Planning Commission**
3 **Regular Meeting and Public Hearing**
4 **March 21, 2024**
5 **6:00 PM**
6
7

8 The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public
9 Hearing on March 21, 2024 at 6:00 PM in person and electronically via Zoom meeting.

10
11 Regular Meeting and Public Hearing
12

13 **I. Call to Order**

14 Chair Tony Matyszczyk called the meeting to order at 6:03 PM and reminded participants that this
15 was a hybrid meeting held both electronically and in-person.

16 *Clerk's note: The agenda was re-ordered from the original publication.*

17 **II. Roll Call**

18 **Present:** Chair Tony Matyszczyk
19 Commissioner Joel Pieper
20 Commissioner Donna Turner
21 Commissioner Glynnis Tihansky
22

23 **Attending Remotely:** Commissioner Rachel Cooper
24 Commissioner Peter Ginsberg (alternate)
25 Commissioner Chase Winder (alternate)
26
27

28 **Staff Present:** Alicia Fairbourne, Recorder for Hideout
29 Kathleen Hopkins, Deputy Recorder for Hideout
30

31 **Staff Attending Remotely:** Polly McLean, Town Attorney
32 Thomas Eddington, Town Planner
33

34 **Public Attending Remotely:** Anne Gruber, Jim Gruber, Jonathan Gunn, Eric Hales, and others
35 who may not have signed in using proper names in Zoom.
36

37 **III. Approval of Meeting Minutes**

38 **1. February 26, 2024 Planning Commission Minutes DRAFT**

39 There were no comments on the February 26, 2024 draft minutes.

40 **Motion:** Commissioner Pieper moved to approve the February 26 2024 Planning Commission
41 Minutes. Commissioner Tihansky made the second. **Voting Yes:** Chair Matyszczyk,
42 Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. **Voting No:** None.
43 **Abstaining from Voting:** Commissioner Cooper. **The motion carried.**
44

1 **Call to Order (continued)**

2 **1. Swearing in of reappointed Planning Commissioners whose terms expired January**
3 **1, 2024**

4 Recorder for Hideout Alicia Fairbourne read the Oath of Office and officiated Commissioner Rachel
5 Cooper for a new term.

6
7 **IV. Agenda Items**

8 **1. Announcement and swearing in of Chase Winder as an alternate voting member of**
9 **the Planning Commission**

10 Chair Matyszczyk announced Chase Winder had been appointed an alternate voting member of the
11 Planning Commission by the Town Council. Ms. Fairbourne read the Oath of Office and officiated
12 Commissioner Winder as an alternate Planning Commissioner.

13
14 **2. Update regarding Hideout's land use codes**

15 Town Planner Thomas Eddington provided an update on the discussion from the last Planning
16 Commission meeting regarding Hideout's land use code amendment recommendations which were
17 sent to the Town Council. He reported that all the recommendations had been accepted with the
18 exception of one item related to recreational vehicle and trailer parking and storage which Town
19 Council had remanded back to a committee made up of Planning Commissioners Joel Pieper and
20 Peter Ginsburg and community volunteer Bret Rutter for further research.

21
22 **V. Public Hearing**

23 **1. Consideration and recommendation to the Hideout Town Council regarding a**
24 **conditional use permit to allow a temporary fire station within the Resort Specially**
25 **Planned Area (RSPA) zoning district on parcel number 00-0021-8053 (Unit TT 11545**
26 **North Recreation Drive) and possibly a portion of parcel number 00-0021-8054 (Unit**
27 **UU 11547 North Recreation Drive)**

28 Mr. Eddington provided an overview of this matter and noted the Town Council had approved the
29 zoning update which the Planning Commission had recommended at the last meeting. He stated the
30 next step in the process to build the temporary fire station was to approve a conditional use permit for
31 this project in accordance with that new zoning. He reminded the Planning Commissioners the project
32 needed to meet a number of conditions which were outlined in the Staff Report included in the meeting
33 materials.

34 Mr. Eddington walked through each of these conditions and fielded several questions from the
35 Planning Commissioners. Wasatch County Fire Chief Eric Hales was introduced and also answered
36 questions. Mr. Hales stated a portion of the funding for both the temporary and permanent Hideout
37 fire stations would come from the new Wasatch County EMS tax and through the capital projects fund
38 in the Fire District's budget, as well as from fundraising the Town was planning.

39 Mr. Hales described the plans for the temporary station which would include a trailer to house the staff
40 and a twenty-five-foot-high Quonset hut structure in which to park the fire truck. He noted the
41 temporary station would not have an ambulance on site, however station would be staffed round the
42 clock by two fire department members who would also be highly trained medical responders.

1 Mr. Hales stated the preliminary site work had been completed by GCD, the developer of the Shoreline
2 subdivision, and Fire District team was directing the work complete the concrete pads, utility
3 connections and other construction efforts to finish the project which he expected to be completed in
4 May.

5 In response to a question from Commissioner Glynnis Tihansky regarding a storm water plan, Mr.
6 Hales noted the station would not generate excessive water going into the storm drains, but he would
7 work with the project engineers from Epic Engineering to assure a storm water management plan was
8 in place. Mr. Eddington suggested the draft resolution be amended to include the requirement for the
9 Town Planner or Town Engineer to review the storm water plan.

10 In response to another question from Commissioner Tihansky, Mr. Eddington stated the location of
11 the temporary station would not be very close to homes, and added the developer did not expect to
12 build in that area over the next three years or so.

13 There being no further questions from the Planning Commissioners, the Public Hearing was opened
14 at 6:38 PM.

15 Mr. Jim Gruber, Overlook Loop resident, thanked the Planning Commission and Fire District for their
16 efforts on this project. As a retired Chicago firefighter, he noted the location within Hideout would be
17 critical in saving lives and property of our residents, and noted having advanced EMT personnel in
18 the community would be beneficial.

19 There being no further public input, the Public Hearing was closed at 6:42 PM.

20 ***Motion: Commissioner Turner moved to approve the conditional use permit to allow a***
21 ***temporary fire station within the Resort Specially Planned Area (RSPA) zoning district***
22 ***on parcel number 00-0021-8053 (Unit TT 11545 North Recreation Drive) and possibly a***
23 ***portion of parcel number 00-0021-8054 (Unit UU 11547 North Recreation Drive),with***
24 ***ordinance to reflect the edits as discussed, including the addition of language regarding a storm***
25 ***water plan and building height. Commissioner Pieper made the second. Voting Yes:***
26 ***Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and***
27 ***Commissioner Turner. Voting No: None. Absent from Voting: None. The motion carried.***

28

29 **VI. Meeting Adjournment**

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

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

35 The meeting adjourned at 6:46 PM.

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Kathleen Hopkins
Deputy Recorder for Hideout

File Attachments for Item:

1. Discussion and possible recommendation to the Hideout Town Council of an amendment to lot R-3 of Hideout Canyon Phase 8 (parcel number 00-0020-8717) to relocate the twenty foot (20') wide limited common area for the driveway



Staff Review of Proposed Subdivision Amendment

To: Chairman Tony Matyszczyk
Town of Hideout Planning Commissioners

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Hideout Canyon Phase 8 – Lot R-3 Amendment to Residential Subdivision

Date: May 16, 2024

Submittals: The Applicant submitted the following plans:

- *Original Subdivision Amendment Application dated October 12, 2021*
- *Subdivision Plat dated May 10, 2024*

Overview of Current Site Conditions

Site Area: Lot Size is 4,356 SF (plus common space surrounding)

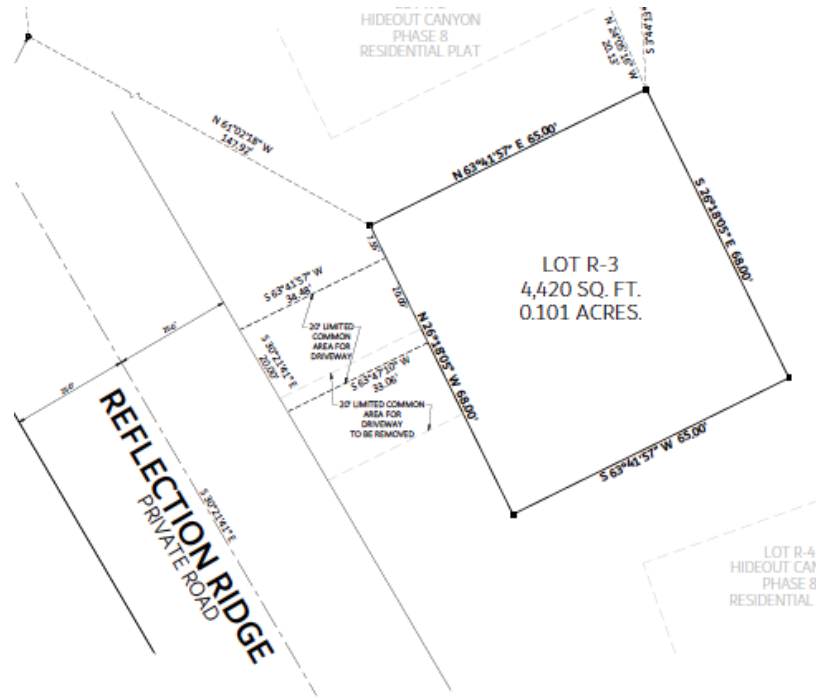
Zoning: Resort Specially Planned Area (RSPA) and within a Residential Medium Density (RMD) Density Pod

Required Setbacks: Front: 20'
Rear: 20'
Side (distance between buildings): 10' minimum

Max Height: 42' maximum (3 ½ stories)

Planning Overview

This project was originally presented to the Planning Commission in November 2021. At that time, the Planning Commission recommended the Applicant coordinate with the property owner across street where the new road, Reflection Lane, was built in relation to this lot. Reflection Lane was not built according to the approved Hideout Canyon Phase 8 plat but rather built directly across the street from Lot R-3 and now bifurcates Lot 6 rather than following the platted right-of-way area. The Applicant's contractor and engineering team have made repeated attempts to coordinate with the engineer that represents the property owner, Mustang Development, with no success. The Applicant's team drafted a subdivision revision that



A few noteworthy items:

- Placing the driveway on the side of the house allows for a more typical house/garage design.
- The proposed location for the driveway provides additional space between the 'T' intersection and the driveway itself. This additional space may help to reduce traffic conflicts between the driveway and the intersection.

A few issues must be addressed and/or conditions attached to any approval of the proposed Subdivision Amendment:

1. Any approval by the Town must be reviewed and approved by the HOA Design Review Committee.
2. The slope of the driveway cannot exceed 10% per Town code unless approved by the Town Engineer.
3. The Applicant must confirm that no utilities exist under the proposed location for the driveway.

Recommendation

The Planning Commission should review the proposed amendment to the Hideout Canyon Residential Subdivision, Phase 8 – Lot R-3, and consider favorably recommending this proposal to the Town Council.

Resolution 2024-R-__

A RESOLUTION APPROVING A SUBDIVISION AMENDMENT FOR LOT R-3 IN PHASE 8 OF THE HIDEOUT CANYON SUBDIVISION LOCATED IN HIDEOUT, UTAH

WHEREAS, owners of the property known as Lot R-3 in Phase 8 of the Hideout Canyon Subdivision, located in Hideout, Utah, have petitioned the Town Council for approval of a subdivision amendment; and

WHEREAS, legal notice of the public hearing was published on the Town of Hideout's website on May 6, 2024 according to the requirements of the Hideout Municipal Code; and

WHEREAS, the Planning Commission held a public hearing on May 16, 2024 to receive input on the proposed subdivision amendment; and

WHEREAS, the Planning Commission, on May 16th conducted a public hearing and forwarded a positive recommendation to the Town Council; and

WHEREAS, on June 13, 2024 the Town Council held a public hearing on the subdivision amendment; and

WHEREAS, it is in the best interest of Hideout, Utah to approve the amendment to the Hideout Canyon Subdivision (Phase 8) in that the owners wish to relocate the driveway to the north side of the house and this subdivision amendment is intended to comply with the Hideout Municipal Code, the 2010 Master Development Agreement (MDA), and the Technical Reports prepared by the Town Staff as well as all other recorded agreements.

NOW, THEREFORE BE IT RESOLVED by the Town Council of Hideout, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The subdivision plats illustrating the lot combination as shown in Exhibit A is approved subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. Hideout Canyon (Phase 8) Subdivision was recorded on June 5, 2009.
2. Hideout Canyon (Phase 8) Subdivision was comprised of 15 lots (9 single family lots and 6 condo lots) at time of recordation and includes 7.958 acres.
3. The property is located within the Town of Hideout along SR248, the east side about midway through Town.
4. Zoning for the property is RSPA – Resort Specially Planned Area.
5. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on March 11, 2010.
6. Shifting the existing limited common area for the driveway to the north side of the house, from the center, will keep the same 20'-0" width.

Conclusions of Law

1. The subdivision amendment, as conditioned, complies with Hideout Municipal Code.
2. The subdivision amendment as conditioned, is consistent with the applicable State law

regarding subdivision plats.

3. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision amendment as conditioned.
4. Approval of the subdivision amendment, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Hideout.
5. If the Applicant requests an extension for the subdivision amendment, the Hideout Municipal Code requires that these submittals “satisfy[ies] any new Town requirements pertaining to the public health, safety and welfare.”

Conditions of Approval

1. The Town Attorney, Town Planner and Town Engineer will review and approve the final form and content of the subdivision amendment for compliance with State law, the Hideout Municipal Code, the Master Development Agreement and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision amendment at Wasatch County within six (6) months from the date of Town Council approval. If recordation has not occurred within six (6) months' time, this approval for the plat will be void unless a written request for an extension is submitted to the Town prior to the expiration date and the Town Council grants an extension.
3. Non-exclusive public utility easements, if applicable, shall be indicated on the plat prior to recordation as approved by the Town Engineer and JSSD and consistent with the utility plan, including drainage easements.
4. The Applicant must adhere to all requirements of the Master HOA, including Design Review Committee (DRC) requirements.
5. The Master HOA will need to sign the final plat.
6. The Town Engineer and the Applicant must verify that no utility lines exist in the new location proposed for the driveway (limited common area).
7. The Applicant agrees to complete subdivision construction permit, pay all required fees and post all required bonds before starting construction.
8. The final plat (mylar) is subject to review may require additional notes and corrections.
9. The exact language of the plat notes shall be finalized by the Town Attorney, Town Planner and Town Engineer as necessary to implement these conditions of approval and applicable provisions of the Hideout Municipal Code or State Code prior to Mylar signatures by the Town.
10. The width of the new driveway easement does not exceed the width of the current one.
11. The former platted drive easement is vacated and cannot be used for future driveway expansion.
12. No other changes are approved as part of this plat amendment, including movement, subdivision or increase in size of this pad or others in the area.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 13th day of June, 2024

TOWN OF HIDEOUT

Phil Rubin, Mayor

ATTEST:

Alicia Fairbourne, Recorder for Hideout

Redacted

Redacted

Redacted

Redacted

From: William Pratt <Redacted>
Date: Thursday, May 16, 2024 at 3:16 PM
To: Thomas Eddington Jr. <Redacted>
Cc: Jan McCosh <Redacted>
Subject: Lot R3-PH 8 Proposed Driveway Easement Relocation

Hi Thomas,

Hope you are doing well. Regarding the proposal from the owner of Lot R3-PH 8 to move their driveway easement to another location, the Hideout Canyon DRC supports the proposal subject to the following conditions:

1. The width of the new driveway easement does not exceed the width of the current one.
2. The former platted drive easement is vacated and cannot be used for future driveway expansion.
3. No other changes are approved as part of this plat amendment, including movement, subdivision or increase in size of this pad or others in the area.

Please let me know if you have any questions.

Thank you,

Will Pratt

Community Preservation Association

Redacted

From: Scott DuBois Redacted

Date: Thursday, May 16, 2024 at 2:08 PM

To: Thomas Eddington Jr. Redacted

Cc: Redacted

Polly McLean

Redacted

Subject: RE: Hideout Canyon Phase 8 - Lot R-3 Amendment

FOLLOW UP CORRESPONDENCE

Mr. Eddington,

I just visited the property. Of note, the driveway on Lot R-3 has already been built in the "new" location proposed in the plat amendment described in the Staff Review. It is apparent that the Town did not require a plat amendment as a precondition to installing the driveway where the Owner is now requesting (we assume that the current driveway location is consistent with the building permit and inspections performed by the Town). I do not know whether the Owner also got approval from the HOA for this placement, but it appears that the

Town did not make this requirement and retroactive approval is not necessary, per my email earlier today. I suggest that the Town allow us to work directly with the property Owner to document approval and confirmation of the new location.

It appears that this process was being used to actually an attempt to push a plat amendment as to Lots 5,6,7, under the guise of a simple driveway relocation on an adjacent lot. The Owner of Lot R-3 then apparently engaged a surveyor and other professionals to create a plat amendment that dealt primarily with property other than Lor R-3 – without our input or permission. On its face, and as described in emails I have seen today, the proposed replat of lots 5-7 would include transfer of ownership of significant property owned by my client (lot 6), to third parties (owners of lots 5 and 7). We do not consent to any such transfer of valuable property to Lots 5 and 7, which would significantly increase their size and value – without any payment or compensation. Any attempt to effectuate such a transfer without my client’s consent would be tantamount to an impermissible governmental taking. Please immediately confirm that the Town does not intend to take any steps to pursue this course of action.

Please also forward this communication to the Planning Commission before the hearing and include this communication as part of the record.

Best,

Scott



Scott DuBois
Attorney at Law
Direct **Redacted**

From: Scott DuBois <**Redacted**>
Sent: Thursday, May 16, 2024 11:54 AM
To: **Redacted**
Cc: **Redacted** Polly McLean <**Redacted**>
Subject: Hideout Canyon Phase 8 - Lot R-3 Amendment
Importance: High

Mr. Eddington,

I am writing in connection with the attached Staff Review of Proposed Subdivision Amendment, dated May 16, 2024 (“Staff Review”). It is our understanding that the sole focus of the application and scope of proposed amendment to the plat – that will be before the Planning Commission - is to move the location of the driveway servicing Lot R-3. Conversely,

it is also our understanding that any changes to the plat, as it relates to Lots 5,6 and 7, *are not* before the Planning Commission (despite the fact that a possible plat amendment relating to those lots is curiously included in the Staff Review).

It is our understanding and position that a plat subdivision is not necessary to move the location of the driveway on Lot R-3. As you are aware, the Phase 8 Residential Plan (attached) has driveway locations depicted for the following lots, R-1 through R-6. The majority of these driveway locations, including R-3, are in the middle of the lot / building pad. The intention of those notations (shown as shaded areas) was to identify the 20 foot width of the driveway located on limited common area, not to specify a particular platted location for each driveway. Note that this is different than the graphic depiction of the actual lots being sold. There was an understanding that lot owners could relocate their driveways to the north or to the south, depending on access to their homes. Mustang has no objection to the relocation of the driveway, as requested by the owner of Lot R-3, provided that there is an understanding that the total driveway width on the limited common area does not exceed 20 feet.

In the alternative, Mustang is willing to agree to give the owner of Lor R-3 an easement for the driveway, in the area now requested, again provided that the driveway not exceed 20 feet wide and that any right or ability to put the driveway in the current depicted location would be extinguished. This is a simple, straightforward solution to a minor issue. It does not require a plat amendment, in our view.

To the extent there is any suggestion that the plat be amended as to Lots 5,6, and 7, we are not aware of an application from any of these owners for such amendment and there is no formal request for a broader plat amendment pending before the planning commission. We are unsure why those lots were included in any documentation relating to the application for moving the driveway on Lot R-3. And, to be clear, the Owner of Lot 6, who I represent, objects to any such change to the plat.

Please ensure that the applicant and the Planning Commission are made aware of this communication ASAP (and before the meeting tonight) and that it is made a part of the record in connection with evaluation and discussion of the application and the Staff Review by the Planning Commission.

Best,
Scott



Scott DuBois
Attorney at Law
Direct **Redacted**

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File Attachments for Item:

2. Discussion and possible recommendation to the Hideout Town Council for amendments to Hideout Municipal Code Chapter 10.08, including, but not limited to, placement of hot tubs as in 10.08.08.15



Staff Report to Planning Commission for Revisions to Zoning Ordinance

To: Chairman Tony Matyszczyk
Town of Hideout Planning Commissioners

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Revisions to Zoning Ordinance

Date: May 16, 2024 Planning Commission Meeting

Background

The Planning Commission, on February 26, 2024, reviewed and favorably recommended several Zoning Ordinance revisions and new language for inclusion in the ordinance. One section of new language addressed hot tubs as well as pools and fencing. It has been brought to our attention that the language prohibiting hot tubs in the front yard should be more definitive since some existing homes have a hot tub in the front yard but on the second level on a deck or balcony. The following revisions, in red, are recommended so that these hot tubs do not fall into the category of 'existing non-conforming' uses. The update to setbacks is to allow hot tubs in rear yards that may have houses built to the rear setback limits which, with the previous language, would prohibit those homeowners from locating a hot tub in the rear yard.

10.08.08.15 Hot Tubs, Swim Spas, and Swimming Pools

All hot tubs, swim spas, and swimming pools, inground and above-ground, must meet the following setback and screening requirements:

- Hot tubs must be located in the rear yard unless as provided for herein. No hot tubs, swim spas, and or swimming pools are allowed in the front yard or side yards of any structure unless situated on an upper-story deck or balcony that is integral to the building's architecture. They must be located in the rear yard only.
- All hot tubs, swim spas, and swimming pools must meet a minimum 5'-0" setback from all side and rear yards. building setbacks as required in the applicable zoning district.
- All swimming pools must have a fence of at least six (6') feet high surrounding the complete perimeter of the pool. Utah law (Utah Office of

Administrative Rules) specifies that this fence “may not permit a sphere greater than 4 inches” through any part of the fence. The door for the gate must be self-closing, self-latching, and require a key, electronic sensor, or combination to be opened. Chain link fencing is not a permitted fence type; any fencing must be decorative in terms of material and design. The fence must be approved by the Town Planner and meet the Town’s Development Standards. and Design Guidelines.

Recommendation

The Planning Commission should review the revised language and consider favorably recommending these Zoning Ordinance updates to the Town Council.