

**Minutes**  
Town of Hideout  
Planning Commission Special Meeting and Public Hearing  
April 28, 2021  
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Public Hearing and Special Meeting on April 28, 2021 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

**I. Call to Order and Reading of Chair Matyszczuk's No Anchor Site Determination Letter**

Chair Anthony Matyszczuk called the meeting to order at 6:02 PM and read the no anchor site determination letter in its entirety. All attendees were present electronically.

**II. Roll Call**

**PRESENT:** Chair Tony Matyszczuk  
Commissioner Ryan Sapp  
Commissioner Glynnis Tihansky  
Commissioner Donna Turner  
Commissioner Rachel Cooper (alternate)

**EXCUSED:** Commissioner Bruce Woelfle

**STAFF PRESENT:** Thomas Eddington, Town Planner  
Polly McLean, Town Attorney  
Ryan Taylor, Town Engineer  
Alicia Fairbourne, Town Clerk  
Kathleen Hopkins, Deputy Town Clerk  
Kent Cuillard, Public Works

**OTHERS IN ATTENDANCE:** Nate Brockbank, Mark Garza, Tyler White, Patrick Todd, Glen Gabler, Wade Budge, Dillon Bliler, Sean Philipoom, Jared Fields, Jeff Bawol, Bryan Link, Bret Rutter, Carol Tomas, Jack Walkenhorst, Patricia Bidwill, Martina Nelson, and others who may not have signed in using proper names via Zoom.

**III. Public Hearings**

Chair Matyszczuk stated the public hearing portion of the meeting would cover only the Deer Springs items as noticed, and not the Shoreline matters. He also announced that going forward, all agenda items and materials from developers must be received by the Town Clerk two weeks prior to the Planning Commission meeting in order to be included on the agenda.

## **1. Public Hearing for Deer Springs Phase 2 and 2B Final Subdivision – Discussion and Consider Final Subdivision Approval**

Mr. Thomas Eddington, Town Planner, provided an overview of the Deer Springs Phase 2 and 2B Final Subdivision which were submitted for final approval. He noted the preliminary approval for Phase 2 had been received previously and the parcel was now split into two parcels re-named Phase 2 and 2B for this final approval. He reviewed the map of the entire subdivision which included the completed Phase 1 and proposed Phase 2 and 2B areas of the subdivision. Mr. Eddington highlighted various items discussed in the Staff Report distributed prior to the meeting. He noted areas which the developer had re-designed to meet current health and safety standards of the Town Code, even though the development was covered under a Master Development Agreement (MDA) and had received preliminary approval based on prior Town Code. Mr. Ryan Taylor, Town Engineer reported on the status of the retaining walls and road design and noted all earlier concerns had been resolved.

Mr. Tyler White, a member of the developer's engineering team, discussed the proposed plan and shared maps of the original and currently proposed development. He noted the steepness of the site and the new road design which was able to maintain a 10% grade in most sections, with just one section to have a slightly higher 10.25% grade. He also noted areas where some tiered retaining walls were eliminated and the planned connection to Jordanelle Parkway.

Commissioner Glynnis Tihansky asked about road widths and setbacks. Commissioner Donna Turner asked about the area's steepness and orientation of the homes. Mr. White answered these questions and noted the heights of retaining walls would vary with the topography.

Commissioner Ryan Sapp asked about the timing and process for obtaining the easement to connect with Jordanelle Parkway. Mr. White responded easements were obtained from the appropriate entities.

Mr. Nate Brockbank, developer, noted based on the strong market interest in the development, he was anxious to obtain this approval in order to begin construction of the Jordanelle Parkway connection this year, rather than at the later date originally planned. He also noted the current plan had eliminated 50-60% of the retaining walls and reduced the steepness of the road from the original plan.

In response to a question from Commissioner Turner regarding electric/utility lines, Mr. Brockbank responded all new power lines in the development would be located underground in the easements. Commissioner Tihansky asked about the proposed architectural design, to which Mr. Brockbank responded these buildings would be similar to those already constructed in Phase 1.

Commissioner Turner asked about the development's density and stated her preference for duplex or triplex units rather than four-plex structures in this relatively small area. Commissioner Tihansky asked about the number of proposed units and if the frontages of the buildings would be staggered to vary the layout and appearance. Mr. White explained unit counts between Phase 2 and 2B and noted the orientation of the proposed building units was impacted by the property's steepness and attempted to minimize the heights of retaining walls. He also noted the building front setbacks could be staggered between 22- and 26- feet to reduce a monotonous appearance.

Mr. Brockbank noted the different building dimensions and heights at changing elevations would provide variety to the overall appearance. He also stated they would build with the site's slopes rather than level the entire site prior to construction.

Discussion ensued regarding options for replacing any of the four-plex units with duplex units. Mr. White stated some of the density originally proposed for Phases 2 and 3 had been moved to Phase 4 to provide more open space while maintaining the overall density. Mr. Brockbank added the proposed plan would result in 2.3 units per acre over the 90-acre development. He also noted the

expected price points of \$650- \$700,000 for these units were expected to be more affordable than other phases of the development. Mr. Brockbank noted the entire development would ultimately include 60 single family homes (scheduled for future Phases) with lake views while these town homes would be oriented to mountain views.

Commissioner Turner left the meeting at 6:45 PM. A quorum was maintained.

In response to a question from Commissioner Tihansky, Mr. Patrick Todd, from the Holmes Homes' sales team, stated the footprints and square footage of these units would be comparable to those in Phase 1. He noted there would be variation between the uphill and downhill facing units, with square footage ranging from 1,800 to 2,500 square feet.

Commissioners Cooper and Tihansky asked several questions regarding open space, retaining walls, additional guest parking and the schedule for construction of the park. It was noted the amended MDA required the park to be constructed simultaneously with Phase 3 and to be completed before any sales of Phase 3 units.

In response to a question from Town Attorney Polly McLean, Mr. Taylor explained the reason to amend Phase 2 and split it into A and B pieces was to allow the infrastructure construction to be completed in phases before the building construction commenced. Ms. McLean noted the MDA would need to be amended to reflect these amendments and phasing plans.

Mr. Eddington asked about trail connectivity to which Mr. Todd responded the trails would be completed along with other construction.

There being no further questions from the Commissioners, at 7:00 PM Chair Matyszczyk opened the meeting for public comment.

Ms. Carol Tomas, Hideout resident, shared her concerns with the development potentially appearing too "tract-like" and noted the need to address larger town-wide infrastructure needs such as a fire station and schools as part of the planning process. Chair Matyszczyk noted the Wasatch County Fire District controlled the building of new fire stations and added the Fire Marshall was required to approve all final subdivision plans, including review of emergency access roads. Ms. Tomas also stated her concerns with increased traffic resulting from additional development, especially around the Ross Creek recreation area. Chair Matyszczyk responded resolution of such traffic concerns was predominantly under the control of Utah Department of Transportation (UDOT); Mr. Taylor added plans for future traffic lights, for example, would be based on traffic studies conducted by UDOT and would not typically be installed prior to actual increased traffic levels. Commissioner Tihansky asked if lowering the speed limit along SR 248 might help address these potential problems.

Mr. Bret Rutter, Hideout resident, stated while UDOT controlled certain issues regarding roads and traffic, the Town and Planning Commission had a responsibility to partner with UDOT to ensure road infrastructure was sufficient to support continued development. He asked if, with the increased density and building construction, whether emergency response time would be timely, and if the additional development would further strain resources to address increased potential fire risk. He asked if existing homeowners were at increased risk of danger, whether from more traffic or fire risk, as examples. Commissioner Sapp acknowledged these concerns and noted with the planned access from Jordanelle Parkway, a fire station would be several minutes closer to Hideout. Commissioner Tihansky noted the density levels had been previously approved and were for the most part, out of the Planning Commission's control at this point.

Mr. Brockbank stated the density had been approved several years ago, and he was in ongoing discussions with the Fire Department on the emergency road access issues. He added the potential Richardson Flats annexation could provide sites for a fire department and school.

Mr. Rutter stated while he understood the issues with prior approvals for development, he asked if the development process should be slowed down to ensure broad health and safety matters were properly factored into plans. He noted a potential shortage of water could impact development regardless of approved density and felt these other health and safety matters should also be evaluated.

Mr. Brockbank stated he was required to purchase water shares for his developments to ensure adequate access to water for his planned level of development. Ms. Patricia Bidwill, a new Hideout resident, asked about water shares, to which Mr. Brockbank provided background on the requirements for developers to purchase water shares from the state which are turned over to the water company (JSSD) as water rights based on the number of units to be built.

Commissioner Rachel Cooper asked if the new connection from Jordanelle Parkway would lead to increased traffic problems in the Hideout neighborhoods. Chair Matyszczyk noted the sheriff was patrolling the town and making traffic stops which he expected would continue. Mr. Brockbank added the curved road design would also help minimize speeding.

There being no further public comment, the Public Hearing was closed at 7:22 PM.

Mr Eddington discussed the draft ordinance included in the meeting materials which reflected the Staff Report comments. He noted this draft would be updated to reflect the points agreed to at this meeting and prior to the matter being presented to Town Council for approval. In response to Commissioner Tihansky's comment regarding her preference to see few four-plex units in the plan, Mr. Eddington agreed to work with the developer team to see if this could be addressed.

***Motion: Commissioner Tihansky moved to make a favorable recommendation to approve Deer Springs Phase 2A and 2B final subdivision in accordance with the findings of fact, conclusions of law and conditional approvals noted in the draft ordinance. Commissioner Sapp seconded the motion. Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky and Sapp. Voting Nay: None. The motion carried.***

#### IV. Agenda Items

##### 1. Shoreline Phase 2 Amended and Phase 3 Subdivision – Consider Final Subdivision Approval

Mr. Eddington, offered to provide an overview of the issues outlined in the Staff Report. Chair Matyszczyk asked if the issues previously identified had been addressed, to which Mr. Eddington replied they had not yet been addressed. Mr. Wade Budge, attorney for the developer GCD, stated he disagreed with the staff report and noted the developer had addressed open issues including additional visitor parking, details on the trail system and details on the retaining walls. He noted the two public hearings required under the MDA had been exhausted and the developer would need to move on if they could not meet the comments in the staff report, regardless of whether the Planning Commission made a favorable or unfavorable recommendation. He stated the staff report contained unrelated issues regarding the Master Developer which were outside the scope of this application and which he felt could not be properly addressed at this meeting.

Chair Matyszczyk asked if Mr. Budge was suggesting putting the matter to a vote without discussion to which Mr. Budge replied yes, given the extent of the matters discussed in the Staff Report, particularly regarding density, which he believed were outside the scope of this application.

Chair Matyszczyk asked if the issue of the required secondary emergency access road had been resolved with the Wasatch County Fire Marshall. Mr. Budge stated this was addressed and the developer had made improvements to the secondary road access which were in place. He also

reported a third-party mediation had been scheduled to address differing opinions on road width compliance with town code and state fire code. Mr. Taylor noted the road safety issues in Phase 2 had been addressed but not in Phase 3.

Ms. McLean stated it was probably not fruitful to discuss the main disputed issues regarding planned density and road widths at this time, but if the Commissioners had other outstanding questions, they should raise them as this was the last time the Planning Commission would have an opportunity to provide input to the Town Council on this matter.

Commissioner Tihansky asked about soil testing and compaction reports, and if additional soil samples should be taken after grading and moving any soil. Mr. Glen Gabler, developer, noted dozens of compaction tests on all phases, including Phase 3, had been conducted and certified by his geo-tech engineer and reports were provided to the Town Engineer. Mr. Taylor stated he was awaiting some reports on testing but had received some documentation on this matter. Commissioner Tihansky asked if there were limits on the amount of soil which could be moved. Mr. Gabler explained the work conducted by geo-tech engineer IGS and the soil testing conducted by Epic Engineering. He stated there were no specific limits on the amounts of soil which can be moved if they are tested and within the recommendations of the geo-tech engineer.

Commissioner Tihansky asked if the Parks, Open Space and Trail Committee (POST) had reviewed and signed off on the open spaces and trails plan. Mr. Gabler responded he had supplied landscape plans to staff, added the trails to the plat, and that landscaping work was underway for Phase 2 and the park. Mr. Gabler offered to coordinate with the POST Committee to add trails if suggested.

In response to a question from Commissioner Tihansky regarding current secondary access gravel road, Mr. Gabler stated upon completion of the roads in Shoreline Phase 3 and Lakeview Estates, the existing gravel road would be returned to topsoil or converted to a trail.

Commissioner Tihansky shared her concerns with the overall row-home appearance of the plan. Mr. Gabler discussed the orientation of the buildings and noted there would be varying elevations and color schemes to break up the appearance. Commissioner Tihansky shared her concerns with obstructed views and asked if the plan could mix up the duplex and four-plex units to add more variety. Mr. Gabler explained the road grades and utility layouts were factors in the site design. He also noted the driveways and setbacks would vary, as well as the design of front porches and decks would add variety to the streetscape.

Commissioner Cooper asked about the square footage of the proposed units to which Mr. Gabler responded they would be larger than the Phase 2 units, with between 3,500 and 3,800 square feet. He noted these units would be different than the Phase 1 twin-homes and will have large glass walls to maximize views and entirely different floor plans.

Commissioner Cooper asked about the comments in the staff report pertaining to retaining walls. Mr. Gabler stated he had submitted plans with 5- to 8-foot height variations and which would be inspected by the geo-tech engineer throughout the construction process. Mr. Eddington stated he had not seen the detail on wall location or cross section design which Mr. Gabler referenced.

Mr. Gabler reviewed an additional presentation which had not been included in the meeting materials. (Clerk's Note: this presentation was subsequently added to the posted public materials). Mr. Gabler reviewed maps of the entire proposed Shoreline development and noted the mix of single- and multi-family homes in future phases would be dictated by market demand at that time. He stated the overall plan included the same number of units as initially approved.

Mr. Gabler discussed additional guest parking stalls proposed for Phases 2 and 3 and stated he was amenable to adding more where grades permitted. He also discussed landscaping plans and noted there would be more landscaping beyond the re-vegetation originally noted.

Mr. Eddington asked about slopes and raveling issues. Mr. Gabler agreed to meet separately to discuss this in more detail. Mr. Gabler highlighted the revised architectural design for Phase 2A which would replace the originally approved 3-story structures with a 2-story design to preserve neighboring views in Phase 3.

Mr. Budge stated if the application was weighed against standards in the Town Code, he believed the standards were met. He also stated his opinion that the staff comments were outside the scope of the application. He added the developer would continue to engage with staff in advance of the next Town Council meeting when they would seek final approval.

Chair Matyszczyk stated given the outstanding issues noted in the Staff Report which had not been addressed, he was not supportive of recommending this matter to the Town Council. Commissioner Tihansky stated she was encouraged by the developer's willingness to continue working with staff to resolve the outstanding issues.

Mr. Gabler noted there were two separate items for consideration: 1) the Phase 2a amendment to change the footprint of the buildings and vacate lots 1-16 into the Phase 3 plat and 2) Phase 3 where most of the unresolved issues existed. Mr. Eddington agreed and stated he had reviewed both items together in the Staff Report from both a Town Code perspective as well as from the vested Master Development Agreement perspective.

Mr. Budge stated he expected to make progress to resolve the outstanding issues prior to the Town Council meeting where they would request final approval. Discussion ensued regarding whether the Planning Commission would vote on two separate proposals at this time.

Ms. McLean asked for confirmation on the exact plats submitted for consideration. Mr. Gabler replied the plats consisted of 2A amended where lots 2-16 were to be vacated and 3 which would now include lots 2-16. Mr. Gabler stated Phase 2A was previously approved, with all homes, with the exception of lots 2-16, now built and occupied. With the change in road design, it was requested the units on these lots be re-oriented to the new road and aligned with the units proposed in Phase 3.

Mr. Budge requested a positive recommendation on Phase 2A so it would not be held up due to the outstanding issues with Phase 3.

After further discussion on specific plats under consideration, it was agreed to consider the motions separately.

***Motion: Commissioner Tihansky made the motion for a positive recommendation to the 2A plat which vacated 16 units. Commissioner Sapp made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Sapp and Tihansky. Voting Nay: None. The motion carried.***

***Motion: Commissioner Tihansky made the motion to negatively recommend Phase 3 in accordance with the findings of fact and conclusions of law in the prepared Ordinance by staff. Commissioner Cooper made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Sapp and Tihansky.***

**V. Meeting Adjournment**

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

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

The meeting adjourned at 8:40 PM

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Kathleen Hopkins, Deputy Town Clerk

Approved