



HIDEOUT, UTAH
TOWN COUNCIL SPECIAL PUBLIC HEARING MEETING
January 27, 2022
Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold a Special Public Hearing electronically for the purposes and at the times as described below on Thursday, January 27, 2022.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin's January 8, 2022 No Anchor Site Determination Letter.

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/>

ELECTRONIC ONLY – NO ACCOMMODATION FOR IN-PERSON ATTENDANCE

Public Hearing

6:00 PM

- I. Call to Order and Pledge of Allegiance
 1. [January 8, 2022 No Anchor Site Determination Letter](#)
- II. Roll Call
- III. Agenda Items
 1. [Review and possibly approve the final plat for the KLAIM Phase 3 subdivision](#)
- IV. 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.

HIDEOUT TOWN COUNCIL

10860 N. Hideout Trail
Hideout, UT 84036
Phone: 435-659-4739
Posted 1/24/2022



January 8, 2022

DETERMINATION REGARDING CONDUCTING TOWN OF HIDEOUT PUBLIC MEETINGS
WITHOUT AN ANCHOR LOCATION

The Mayor of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(5) and Hideout Town Ordinance 2020-03. The facts upon which this determination is based include: The seven-day rolling percent and number of positive COVID-19 cases in Utah has been over 35.49% of those tested since January 6, 2022. The seven-day average number of positive cases has been, on average, 6504 per day since January 7, 2022.

This meeting will not have a physical anchor location. All participants will connect remotely. All public meetings are available via YouTube Live Stream on the Hideout, Utah YouTube channel at: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

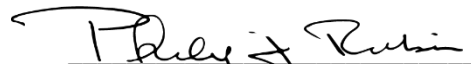
Interested parties may join by dialing in as follows:

Meeting URL: <https://zoom.us/j/4356594739>
To join by telephone dial: US: +1 408-638-0986
Meeting ID: 4356594739

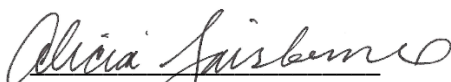
Additionally, comments may be emailed to hideoututah@hideoututah.gov. Emailed comments received prior to the scheduled meeting will be entered into public record.

This determination will expire in 30 days on February 7, 2022.

BY:


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk





Staff Report for KLAIM Subdivision – Phase 3

To: Mayor Phil Rubin
Town of Hideout Council

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

Re: KLAIM Phase 3 – Final Subdivision Review
Report Updated from January 20, 2022 Planning Commission Meeting

Date: 25 January 2022

Submittals: Subdivision Plat for KLAIM Phase 3

Background

The KLAIM subdivision received Final Plat Approval on December 14, 2017 for the full subdivision (all four or five phases; the exact phasing plan was not fully defined at the time). The project was delayed due to negotiations with UDOT regarding right-of-way issues, etc. and the Applicant appeared before the Planning Commission to request an extension for Final Subdivision Approval on November 19, 2020. That extension was granted by the Planning Commission at that time.

At the December 14, 2017 meeting (and at the prior week's meeting - December 7, 2017 Planning Commission meeting) a site plan was provided but there was never a Subdivision Plat which was in a form which could be recorded. As such, while the minutes of the December 14, 2017 meeting indicate Final Subdivision Approval, technically a complete plat must be submitted. This approval process is required to ensure the Planning Commission and Town Council review a completed plat for all phases of the KLAIM subdivision. At this time, the Applicant effectively has Preliminary Subdivision approval for all phases, but each phase of the complete project will require Planning Commission and Town Council review for any Final Subdivision approvals.

Project Details:

KLAIM Total Units: 88 attached units
Total Project Area: 58.95 acres (42.73 acres preserved as open space/untouched land)

Current Proposal

The KLAIM Phase 3 subdivision is comprised of two parts:



- A section that includes 14 lots that would essentially extend the completed Phase 1 buildings further south. The proposed design and general attributes - heights, building materials, colors, dimensions, etc. will be the same as Phase 1.
- A second section that includes 12 lots that are located at the north portion of the project site.

This Preliminary Subdivision project is generally vested per the Master Development Agreement (MDA) that was signed on June 27, 2019. The Zoning Code that was in place at that time was updated in November 2020. Section 3.2.7 of the MDA allows the Town to require the Applicant to adhere to new planning and zoning modifications that generally address design, setbacks, and similar item provided allocated density is not reduced. The Applicant has generally committed to coordinate future improvements in compliance with the Town's updated Zoning Code.

The new Town Code has updated Building and Development Standards (new Section 10 of the Town Code as of November 2020) that the subdivision must meet. The following are the areas of the Zoning Code that contain requirements Town Staff have determined as applicable planning/design sections for this project to ensure the health, safety, and welfare of the residents:

- 11.07.101 Zoning: Mountain (M): w/ a Planned Performance Development Overlay allowing deviation from setbacks.
- 10.08.06.C General Standards-Monotony Clause and 1008.08 Design Standards: Major Subdivisions (6 lots or more) shall not have greater than twenty (20%) of the structures with the same elevation and, in no case, shall any two (2) similar structures be located adjacent to each other or directly across the street. The differentiation of each structure shall be a combination of unique roof lines, garage step-backs, entry/porch location and canopy, fenestration, building materials, and colors.
 - The Applicant has coordinated with the Design Review Committee (DRC) - one Town Council member (R. Severini) and one Planning Commissioner (B. Woelfle) and the Town Planner - to review the submittals for Phase 3. While lower Phase 3 will generally match Phase 1 and will appear as an extension of the existing buildings, DRC will work with Chris Ensign and the architect to integrate differentiating materials, design, building lines, colors, alternating setbacks, etc. into subsequent phases to ensure general compliance with the intent of this section of the Town's Zoning Code.



- 10.08.14 Roads and Road Requirements:
T-O Engineering reviewed the roads and confirmed the Applicant meets the Town's new road requirements (26'-0" of pavement width).
- 10.08.20 Drainage and Storm Water Facilities
T-O Engineering reviewed the proposed stormwater infrastructure and confirmed the Applicant meets the Town's new requirements.
- 10.08.34 Public Space Requirements:
More than 42 acres of the 58+ acre site is proposed to be preserved as undisturbed open space with only trails allowed to be installed. The following is required:



- A final Overall Project Site Plan must be submitted prior to recordation so that Town Staff can begin to review pending phases and understand the final layout of buildings:
 - This plan must include topo and stormwater retention/detention basins
- A final landscape Plan for Phase 3 is required and should relate to the approved Landscape Plan for Phase 1 (by Seth Bockholt Design). This should also be provided to the Town Council for their review:
 - This plan must include the location of all retaining walls with top-of-wall and bottom-of-wall elevations, width dimensions, landscaping at top and bottom (and in terracing where allowed and applicable), etc.
- A final trail and recreational amenity plan must be submitted and approved by the POST Committee. All trails must be open to the public and this note should be included on all plats for KLAIM.
- The Applicant shall confirm whether a Conservation Easement is proposed to protect these 42 acres. At minimum, the Plat must indicate that no improvements (other than trails) will take place on these acres. This open space should be noted on the Plat for the final phase.
- 11.02.14 Construction Mitigation Plan:
 - There have been some concerns forwarded to Town Hall by residents concerning the scale and appearance of the immense 'dirt pile' located just north of the KLAIM subdivision. This is the site that is accepting the excavated soil/debris from the KLAIM site that is not proposed to be reused on site. Town staff also has concerns regarding the scale of the site, the erosion into the stream adjacent to the site and the appearance of terra-forming as viewed from SR 248.
 - The Applicant shall provide details related to the final scale (size and dimensions), proposed vegetation, whether additional phases to KLAIM will also be allowed to deposit excavation debris there, etc.
 - A SWPPP Plan should be submitted to the Town Engineer and Planner for review and approval. Proposed elevations indicating depth of fill should also be provided and no slope shall exceed 1:1. Currently the slopes appear to exceed 1:1.



Recommended Conditions of Approval

Planning Conditions:

1. CC&Rs must be recorded.
2. Secondary access must have four season access.
3. Submittal of an overall Site Plan
4. Submittal of a Final Landscape Plan
5. Submittal of a final design and engineering specifications (and materials) for the retaining walls
6. Inclusion of a plat note indicating when trails and recreational amenities will be completed.
7. Submittal of detailed trail dimensions, materials, associated landscaping, etc.
8. Delineate future visitor parking for the complete KLAIM project; layout must be approved by the Town Planner and Engineer.

Engineering Conditions:

1. T-O Report to provide details, if any.

Recommendation

The Planning Commission voted unanimously on January 20, 2022 to forward a favorable recommendation to Town Council to approve the KLAIM Phase 3 Subdivision with the conditions of approval included within this report. Staff recommends the Town Council review the subdivision



(attached) and approve the KLAIM Phase 3 subdivision subject to the findings of fact, conclusions of law and conditions of approval included in the attached Resolution.

Resolution 2022-R-01**A RESOLUTION APPROVING THE KLAIM PHASE 3 SUBDIVISION
LOCATED IN HIDEOUT, UTAH**

WHEREAS, owners of the property known as KLAIM Phase 3 Subdivision, located in Hideout, Utah, have petitioned the Town Council for approval of a final subdivision plat; and

WHEREAS, legal notice of the public hearing was published on the Town of Hideout's website on December 6, 2021 according to the requirements of the Hideout Municipal Code; and

WHEREAS, the Planning Commission held a public hearing on January 20, 2022 to receive input on the proposed subdivision plat; and

WHEREAS, the Planning Commission, on January 20th conducted a public hearing and forwarded a positive recommendation to the Town Council; and

WHEREAS, on January 27, 2022 the Town Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Hideout, Utah to approve the KLAIM Phase 3 Phase Subdivision plat in that this subdivision plat is intended to comply with the Hideout Municipal Code, the 2019 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 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. The Phase 3 plat, as currently presented, is the third of four or possibly five phases for the overall KLAIM subdivision that received Final Subdivision approval on December 14, 2017.
2. That approval should have been for Preliminary Subdivision approval since no formal subdivision was presented, only an overall site plan was presented and approved by the Town Council on December 14, 2017.
3. The Town Attorney, recommends this and all future phases be reviewed and approved by the Planning Commission and Town Council for Final Subdivision approval.
4. The property is located within the Town of Hideout along SR248, the east side about midway through Town.
5. For all KLAIM phases, as proposed, the total plat area is approximately 58.95 acres. 42.73 acres will be preserved open space. 16.22 acres will be developed.
6. The total number of units permitted for all phases of KLAIM is 88 units (or attached lots).
7. For Phase 3, the total number of units (attached lots) is 26.
8. Zoning for the property is Mountain (M) – Residential.
9. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on June 27, 2019. The MDA has an allowance for up to 88 units.
10. All existing and required easements will be shown on the plat prior to recordation, including

utilities, storm drainage, access, trails, snow storage, etc.

11. No changes are proposed to the existing road alignment or uses associated with this plat.
12. The final plats are required to be approved and signed by the Jordanelle Special Services District prior to recordation to ensure that requirements of the District are addressed.
13. Each Phase of KLAIM will have a separate Final Subdivision plat associated with it.

Conclusions of Law

1. The subdivision plats, as conditioned, comply with Hideout Municipal Code, Title 12 and the 2019 Master Development Agreement.
2. The subdivision plats, as conditioned, are 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 plat as conditioned.
4. Approval of the subdivision plat, 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 plats, 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 plat 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 plat 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 shall be indicated on the plats prior to recordation as approved by the Town Engineer and JSSD and consistent with the utility plan, including drainage easements. All existing and required easements, based on review by the Town Engineer and JSSD will be shown and recorded on the plat, including utilities, storm drainage, access (public, utility and emergency), snow storage, trails and trailhead parking, etc. All existing recorded easements and agreements shall be referenced on the plats, including entry number, book and page.
4. A financial guarantee, in a form and amount acceptable to the Town and in conformance with these conditions of approvals, for the value of any required public improvements, such as water, sewer, landscaping, fire hydrants, etc. shall be provided to the Town prior to building permit issuance for new construction. All public improvements shall be completed according to Town standards prior to release of this guarantee. An additional ten (10) percent of the public improvement value shall be held by the Town for the warranty period and until such improvements are accepted by the Town.
5. The Applicant shall provide a complete set of updated construction plans, and address all engineering and planning comments prior to approval.
6. The Applicant shall provide an updated plat, and address all comments from planning, engineering, and legal.
7. The Applicant agrees to complete subdivision construction permit, pay all required fees and post all required bonds before starting construction.
8. All approved public trails, consistent with the Master Development Agreement and the Parks Open Space & Trails (POST) Plan, shall be shown on the plats or include a note indicating that 'all trails are open to the public and all trails can be located on any common area or

open space area or within the dedicated public utility easement per review and approval by the Town Planner and Town Engineer.’

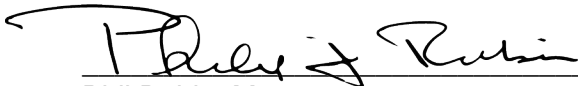
9. The recorded plat shall include, but is not limited to, the following plat notes:
 - a. These plats are subject to the conditions of approval in Resolution 2022-R-01.
 - b. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots and not within public right of way.
 - c. A fire protection and emergency access plan shall be submitted and approved by the Wasatch County Fire District prior to the issuance of any building permits.
 - d. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
 - e. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
 - f. Existing public trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements and are subject to reasonable relocation by the Owner subject to Town Planner approval.
 - g. All trails must be open to the public.
10. The Applicant agreed to meet the current Town Code requirements (26'-0" of asphalt plus curb and gutter) for road construction; and a paved bike lane shall be incorporated into all new streets per Town code.
11. The Applicant will work with the Town Planner and Town Engineer to incorporate an appropriate amount of visitor parking throughout each Phase of the proposed subdivision.
12. The construction plan set should be updated to include all retaining wall locations and sizes (including top of wall/TW and bottom of wall/BW elevation points).
 - a. The Applicant shall adhere to the Town's code and provide a detailed retaining wall plan set that must be approved by the Town Planner and Town Engineer.
 - b. A structural analysis of these walls must be provided once a final retaining wall plan is accepted by the Town Planner and Town Engineer.
 - c. A section of a typical tiered wall must be provided including materials, planting in the horizontal breaks, etc.
13. Per the Planning Commission's recommendations, the Applicant shall ensure a variety of architectural designs for various future phases of the project to meet the Town's monotony clause (10.08.06). The Applicant shall also work with the Town Planner to ensure horizontal and vertical articulation (FFL grade variation) for future phases of the project.
14. Snow storage areas must be delineated on the plats.
15. The secondary road access must be completed prior to the final Certificate of Occupancy issuance for Phase 3 of KLAIM. This road must have four-season access.
16. Trails: Proposed trails (and surface type) to be designed and submitted for approval by the Town Planner. This submittal shall include all outdoor recreational amenities. Trails and associated outdoor recreational amenities shall be completed as part of Phases 3 and 4 (and 5, if applicable).
17. Streetscape amenities; lighting, signage, etc. shall be provided – construction details, sign type (if proposed), and materials/colors.
18. A final Site Plan with the overall street network, trail network, location of structures, etc. must be submitted prior to recordation of the Phase 3 plat.
19. A Landscape Plan shall be provided for all of phases prior to commencement of any construction (and prior to issuance of any Building Permits). This plan shall include street trees, common area and yard landscaping, entry features, and slope stabilization plantings where necessary – slopes greater than 50%. This plan must be approved by the Town Planner.

- 20. The dedicated soil repository located to the north of the KLAIM subdivision shall meet the following conditions prior to issuance of any building permits for Phase 3 (unless noted otherwise below):
 - a. A SWPP Plan shall be submitted for Phase 3. This shall include protective measures for the creek located to the north of the repository site.
 - b. A site plan illustrating the existing soil repository to date and the proposed, or final, size and location upon completion of the final phase of the KLAIM subdivision.
 - c. No slopes shall exceed a 1:1 grade.
 - d. No structures shall be located on or near the soil repository.
 - e. A cross section of the soil repository (east-west and north-south) with dimensions and slopes of existing and final proposed repository shall be submitted to the Town Planner and Town Engineer.
 - f. A final proposed landscape plan shall be submitted for review and approval by the Town Planner prior to issuance of any Certificate of Occupancy for Phase 3. This plan shall include all plantings and erosion control measures for the soil repository and shall ensure the site is planted with native vegetation to ensure it is integrated into the surrounding landscape – aesthetically it must blend in with the local landscape.
 - g. A soils analysis shall be submitted prior to issuance of any Certificate of Occupancy for Phase 3.
- 21. The Applicant shall submit a Construction Mitigation Plan (CMP) that will be approved by the Town Planner and Town Engineer.
- 22. A subdivision construction permit, improvement agreement, and all fees and bonds will be required prior to any construction.
- 23. The final plat (mylar) is subject to review may require additional notes and corrections.
- 24. Recording of the subdivision will require a performance bond in accordance with current Town code, or formal acceptance of all improvements prior to recordation.
- 25. 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.
- 26. All exterior lighting within the KLAIM project, all phases, must be ‘dark skies’ compliant – meet the requirements of the International Dark Skies Association – and adhere to future Dark Skies Ordinance language as adopted by the Town of Hideout.

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

PASSED AND ADOPTED this 27th day of January, 2022

TOWN OF HIDEOUT


 Phil Rubin, Mayor

ATTEST:



 Alicia Fairbourne, Town Clerk



Exhibit
Exhibit A – Proposed Subdivision Plat for KLAIM Phase 3

