



# HIDEOUT, UTAH PLANNING COMMISSION REGULAR MEETING AND PUBLIC HEARING February 17, 2022 Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Hideout, Utah will hold its regularly scheduled meeting and public hearings electronically for the purposes and at the times as described below on Thursday, February 17, 2022

This meeting will be an electronic meeting without an anchor location pursuant to Planning Commission Chair Anthony Matyszczuk's February 8, 2022 No Anchor Site determination letter.

All public meetings are available via ZOOM conference call and net meeting.  
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:** 435 659 4739

**YouTube Live Channel:** <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

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## Regular Meeting

6:00 PM

### I. Call to Order

1. [February 8, 2022 No Anchor Site Letter](#)

### II. Roll Call

### III. Approval of Meeting Minutes

1. [January 20, 2022 Planning Commission Minutes DRAFT](#)

### IV. Public Hearings

1. [Discussion and possible recommendation to Town Council regarding a Subdivision/Lot Amendment to Hideout Canyon lot 37 \(parcel 00-0020-7851\)](#)
2. [Discussion and recommendation to Town Council regarding a concept plan for the Boulders at Hideout Development](#)
3. [Discussion and recommendation to Town Council regarding an amendment of the Official Town of Hideout Zoning Map to rezone parcels 00-0020-8181, 00-0020-8182, 00-0020-8184, and 00-0020-8185 \(the "Boulders at Hideout Development"\) from Mountain \(M\) zone to Neighborhood Mixed Use \(NMU\), R20 \(Residential 20\), R6 \(Residential 6\), and R3 \(Residential 3\)](#)
4. [Discussion and recommendation to Town Council regarding a Master Development Agreement \(MDA\) to Town Council regarding the Boulders at Hideout Development](#)

### V. Meeting Adjournment

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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. February 8, 2022 No Anchor Site Letter



February 8, 2022

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

The Planning Commission Chair 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 35.76% of those tested since February 2, 2022. The seven-day average number of positive cases has been, on average, 2172.7 per day since February 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>

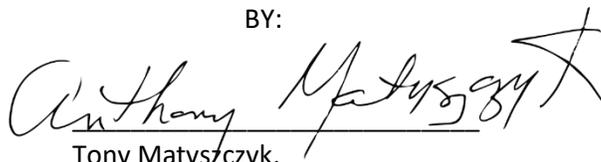
**To join by telephone dial:** US: +1 408-638-0986

**Meeting ID:** 4356594739

Additionally, comments may be emailed to [hideoututah@hideoututah.gov](mailto:hideoututah@hideoututah.gov). Emailed comments received prior to the scheduled meeting will be considered by the Planning Commission and entered into public record.

This determination will expire in 30 days on March 10, 2022.

BY:

  
Tony Matyszczyk,  
Planning Commission Chair

ATTEST:

  
Kathleen Hopkins, Deputy Town Clerk



**File Attachments for Item:**

1. January 20, 2022 Planning Commission Minutes DRAFT

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**Minutes**  
Town of Hideout  
Planning Commission Regular Meeting and Public Hearing  
January 20, 2022  
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on January 20, 2022 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

**I. Call to Order**

Chair Tony Matyszczyk called the meeting to order at 6:00 PM and referenced the current No Anchor Site letter which was included in the meeting materials. All attendees were present electronically.

**1. Swearing in of reappointed Planning Commissioners whose terms expired January 1, 2022**

Town Clerk, Alicia Fairbourne, read the oath of office to the following Planning Commissioners whose terms expired on January 1, 2022 and officiated them for a four-year term: Commissioner Bruce Woelfle, Commissioner Rachel Cooper and Commissioner Glynnis Tihansky.

**2. Introduction and swearing in of Second Alternate Planning Commission Member, Jonathan Gunn**

Chair Matyszczyk introduced Mr. Jonathan Gunn who was appointed by Town Council as the second alternate Planning Commissioner. Ms. Fairbourne read the oath of office and officiated him as an alternate Planning Commissioner for a four-year term.

**II. Roll Call**

**PRESENT:** Chair Tony Matyszczyk  
Commissioner Ryan Sapp  
Commissioner Glynnis Tihansky  
Commissioner Donna Turner  
Commissioner Bruce Woelfle  
Commissioner Rachel Cooper (alternate)  
Commissioner Jonathan Gunn (alternate)

**STAFF PRESENT:** Thomas Eddington, Town Planner  
Polly McLean, Town Attorney  
Jan McCosh, Town Administrator  
Alicia Fairbourne, Town Clerk  
Kathleen Hopkins, Deputy Town Clerk

**OTHERS IN ATTENDANCE:** Chris Ensign, McKay Christensen, Todd Amberry, Scott Davis, Carol Tomas, Ralph Severini, Clark Robinson and others who may not have signed in using proper names in Zoom.

1 **III. Approval of Meeting Minutes**

2 There were no comments on the draft minutes of the December 16, 2021 Planning Commission.

3 ***Motion: Commissioner Tihansky made the motion to approve the December 16, 2021***  
4 ***Planning Commission Minutes. Commissioner Turner made the second. Voting Aye:***  
5 ***Commissioners Matyszczyk, Tihansky, Turner, Sapp and Woelfle. Voting Nay: None. The***  
6 ***motion carried.***

7  
8 **IV. Public Hearings**

9 **1. Continued review and possible recommendation to Town Council regarding the final**  
10 **KLAIM Phase 3 Subdivision**

11  
12 Mr. Thomas Eddington, Town Planner, introduced Mr. Chris Ensign, developer of KLAIM, and  
13 provided background on the matter under discussion. He noted the KLAIM subdivision was  
14 originally approved on December 17, 2017 and was granted an extension in November 2020 after  
15 delays obtaining final Utah Department of Transportation (UDOT) approvals. He stated preliminary  
16 plat approval had been granted for Phase 3 and the developer was now re-submitting for Phase 3 to  
17 ensure final plat approval. Mr. Eddington added the development would ultimately consist of 4-5  
18 phases.

19  
20 Mr. Eddington noted the KLAIM development would ultimately consist of 88 units on approximately  
21 59 acres, with Phase 3 to include 14 units. He stated this phase would be similar in appearance to the  
22 existing phases. Mr. Eddington stated the development was zoned Mountain and was approved with  
23 a somewhat higher density overlay (Planned Performance Development District). He referenced the  
24 Staff Report included in the meeting materials and noted the Architecture Monotony clause  
25 incorporated into town code after the original KLAIM approval. He stated the developer would  
26 continue to work with a Design Review Committee to provide variations in materials, colors and  
27 setbacks in each phase to comply with the current town code. Mr. Eddington highlighted certain items  
28 including road widths, drainage and storm water facilities where the developer had agreed to comply  
29 with the updated town code standards. He noted over 40 acres would remain undeveloped as open  
30 space, and he would work with Mr. Ensign on whether to include certain conservation easement  
31 protections on the final plat. He also stated the Town's Parks Open Space and Trails (POST)  
32 Committee would review the plan for final trails and other open space amenities with the developer.

33 Mr. Eddington referenced the recommendation to require the existing landscape design plan be  
34 continued through the remaining phases and noted certain sloped areas which would require retaining  
35 walls, setbacks and terracing. He also discussed the construction mitigation plan and noted there were  
36 questions raised regarding the plans to store excess soil from construction on adjacent land. Mr.  
37 Eddington noted the recommended requirement for proper landscaping to prevent erosion and the  
38 Storm Water Protection Plan (SWWP) to be submitted to the Town Engineer for review. He discussed  
39 additional items from the Staff Report which were noted as suggested planning conditions to be  
40 considered as part of the final approval by Town Council. These items included a secondary  
41 emergency access road to connect Phase 3 with SR-248, overall site plan with final layout and  
42 landscape design plan, retaining walls, location of final trails, specification that trails would be open  
43 to the public, and requests for additional guest parking throughout the entire subdivision. He also  
44 noted the 2019 engineering report with recommendations from T-O Engineers remained in force.

45 Commissioner Donna Turner asked how close this phase would be to SR-248. Mr. Ensign replied the  
46 UDOT setbacks were at least 100 feet, and there would be at least 120 feet setbacks for the  
47 development. Commissioner Turner asked if there would be landscaping in the setback areas. Mr.

1 Ensign replied all landscaping would be on the KLAIM property, but not necessarily on UDOT-  
2 owned setbacks. He noted he was working with a landscape designer to provide appropriate  
3 landscaping which would be natural to the space and protect views both looking out of and into the  
4 development.

5 Commissioner Bruce Woelfle asked about the length of driveways for each unit. Mr. Ensign  
6 responded they would be at least 20 feet, sufficient for parking a car in front of each unit.  
7 Commissioner Woelfle asked about visitor parking spaces; Mr. Ensign noted there would be  
8 additional parking spaces located throughout the development and at the trail head. Mr. Ensign  
9 discussed the sign and monument wall plan and noted the same retaining wall design would continue  
10 into this phase. He also noted certain trees were not available during the last phase of the landscaping,  
11 but he expected they would be obtained and planted in the upcoming season.  
12

13 Commissioner Woelfle asked if the development was Dark Sky compliant, per the pending town code  
14 implementation. Mr. Ensign responded yes, all the exterior fixtures were down-lights, and there  
15 would be only 2-3 light poles in the development which would also be downlit.  
16

17 Commissioner Turner asked about the soil mound on the adjacent property. Mr. Ensign responded  
18 the neighboring property owner wanted the soil to expand his property, and the developer was  
19 working with the Town Engineer to ensure a proper soil compaction and erosion management plan.  
20 Commissioner Turner requested these items, including landscaping requirements, be included in the  
21 approval conditions submitted to Town Council. Mr. Eddington agreed to add them.  
22

23 Commissioner Rachel Cooper asked if the soil management plan was available for the Planning  
24 Commission to review. Mr. Eddington stated he would obtain it from either Mr. Ensign or T-O  
25 Engineers. Mr. Ensign added it was a permitted process to obtain approvals to move this soil and  
26 provide a detailed plan for its management. Commissioner Cooper asked about a timeline for  
27 completion of the soil mound and related landscaping; Mr. Ensign responded he expected it to be  
28 completed before the end of the 2022 planting season and stated he would seed the sections as they  
29 were completed. Mr. Ensign stated he would include a more complete plan for completion of the final  
30 phases for the Town Council meeting.  
31

32 Commissioner Glynnis Tihansky asked about the density ratios relative to the amount of the  
33 development's open space. Mr. Eddington noted it exceeded the typical town code requirements  
34 ranging from 10% to 15% and was vested under prior town code. Commissioner Tihansky asked if,  
35 given the amount of proposed open space, there might be any ability to add some small commercial  
36 development within the subdivision. Mr. Eddington agreed to explore this opportunity with Mr.  
37 Ensign but noted the slopes in this area are quite steep and likely prohibit such development.  
38

39 Commissioner Jonathan Gunn asked about the assessment for the adequacy of water supply and  
40 underlying assumptions for water usage related to the development. Mr. Ensign responded he had  
41 purchased water shares from Nate Brockbank and had entered into direct agreement with the water  
42 provider Jordanelle Special Services District (JSSD) to pay for all water and sewer connections up  
43 front to improve the infrastructure to accommodate the subdivision. Commissioner Gunn asked if  
44 there was a report available which detailed the water usage assumptions. Mr. Ensign responded this  
45 was prepared by Wasatch County based on residential units and landscaping requirements. He agreed  
46 to provide this report to Mr. Eddington to share with the Planning Commissioners. Commissioner  
47 Gunn agreed with Commissioner Tihansky's suggestion to explore the potential for some commercial  
48 development within this site, especially given the unknown outcome of the proposed Silver Meadows  
49 annexation. Mr. Ensign repeated his agreement to explore this option with town staff to determine if  
50 some level of commercial amenities could be included within this development.

1  
2 (Clerk's Note: Commissioner Ryan Sapp left the meeting at 6:35 PM. A quorum remained in place,  
3 with Commissioner Cooper voting on remaining motions.)  
4

5 There being no further questions from the Planning Commissioners, Chair Matyszczyk opened the  
6 floor for public input at 6:40 PM. There were no questions from members of the public. The Public  
7 Hearing was closed at 6:41 PM. Chair Matyszczyk asked for a motion to make a positive or  
8 recommendation to Town Council regarding the final approval of KLAIM Phase 3.

9 ***Motion: Commissioner Tihansky moved to make a positive recommendation to Town Council***  
10 ***regarding the final KLAIM Phase 3 Subdivision, subject to the recommended conditions of***  
11 ***approval included in the Staff Report and to include additional conditions regarding the***  
12 ***management of the soil mound as discussed. Commissioner Woelfle made the second. Voting***  
13 ***Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner, and Woelfle. Voting Nay: None.***  
14 ***The motion carried.***

15 Mr. Ensign was excused and left the meeting at 6:42 PM.  
16

17 **2. Continued review and possible recommendation to Town Council regarding**  
18 **Subdivision/Lot Amendment to Hideout Canyon Lot 37**  
19

20 Mr. Eddington reported town staff had not received a final update from the applicant on this matter  
21 and requested this item be continued to a date uncertain. Chair Matyszczyk opened the Public Hearing  
22 at 6:43 PM. There were no public comments. The Public Hearing closed at 6:43 PM. Chair  
23 Matyszczyk suggested a motion regarding this item be included with the next agenda item.  
24

25 **3. Continued review and possible recommendation to Town Council regarding**  
26 **Subdivision/Lot Amendment to Hideout Canyon Lot R-3**  
27

28 Chair Matyszczyk opened the Public Hearing at 6:44 PM. There were no public comments. The  
29 Public Hearing closed at 6:44 PM. Chair Matyszczyk asked for a motion for this item be continued  
30 to a date uncertain along with the previous item.

31 ***Motion: Commissioner Tihansky moved to continue to a date uncertain the review and possible***  
32 ***recommendation to Town Council regarding 1) Subdivision/Lot Amendment to Hideout Canyon***  
33 ***Lot 37 and 2) Subdivision/Lot Amendment to Hideout Canyon Lot R-3. Commissioner Cooper***  
34 ***made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner and***  
35 ***Woelfle. Voting Nay: None. The motion carried.***

36  
37 **V. Agenda**

38 **1. Follow up presentation and discussion of an initial concept plan and potential**  
39 **rezoning of a planned community development project on the Salzman property**  
40

41 Chair Matyszczyk invited Messrs. McKay Christensen and Todd Amberry of the Sky Hawk  
42 development team to join the meeting. Chair Matyszczyk stated his concerns regarding the size of  
43 the proposed development which would increase the door count by 500% over the current zoning,  
44 and asked if, other than building a hotel, would the entire development do justice for the town without  
45 an additional commercial component. He asked if there might be an option to donate land to the Town

1 which it could develop if such development did not work for the Sky Hawk team. Commissioner  
2 Cooper concurred.

3 Mr. Eddington provided an update on the project and noted the Staff Report included in the meeting  
4 materials had been updated since the December Planning Commission meeting. He noted the  
5 proposed project was currently zoned Mountain and included 610 units which were estimated to be  
6 approximately 574 ERU's. He noted the plan included a hotel, bed and breakfast, and condominiums,  
7 and now included an additional retail pad near the hotel. Mr. Eddington acknowledged the project  
8 would add significant density to the town but noted much of that density would be associated with  
9 the hotel. He also noted the significant amount of open space included in the project.

10 Mr. Eddington discussed the challenges for creating a Town Center/commercial development on the  
11 property due to the steep slopes and its positioning along SR-248. He noted the addition to the plan  
12 for some local small commercial spaces adjacent to the hotel. Mr. Eddington also discussed the  
13 possibility to reserve 5-15 acres for future commercial development, to be built after completion of  
14 the hotel and some residential sites.

15 Mr. Eddington highlighted other items from the Staff Report which he encouraged the Planning  
16 Commissioners to consider and provide more guidance to the development team. These topics  
17 included the trail system, open spaces, location and density of multi-plex units and the potential  
18 Public Improvement District (PID) which would be the financing mechanism for the project's  
19 infrastructure.

20 Commissioner Woelfle asked about the project's level of proposed density relative to other  
21 subdivisions in Hideout and noted it would be more than Golden Eagle and Soaring Hawk  
22 developments, and somewhat less than the final Shoreline buildout. He stated this seemed like too  
23 much density for the space, even without the requested commercial components. Commissioner  
24 Tihansky asked how many units the hotel would contain. Mr. Christensen stated the hotel was  
25 being proposed for 150 rooms, the bed and breakfast would contain another 20 rooms and  
26 approximately 120 condominium units, which would have a relatively small footprint.

27  
28 Commissioner Turner asked if there was any data available on how well the Black Rock condo-  
29 hotel, bar and restaurant were doing, and whether another area hotel could be sustained.

30 Commissioner Cooper noted another building was to be added to the Black Rock hotel.

31 Commissioner Tihansky stated she had toured the Sky Hawk site and noted the property's beauty  
32 and stunning mountain and water views which would be nicer than those of the Black Rock  
33 complex.

34  
35 Mr. Christensen discussed the plans for three restaurants on the site and noted 50% of the project's  
36 density would be consolidated in the hotels and condominiums which would not strain town and  
37 natural resources to the same extent as other residential development. He also noted various amenities  
38 that would be available to all town residents, including a fitness facility, equipment pro shop, food  
39 truck site, paddle boarding, amphitheater and pickleball courts. He stressed the challenges for retail  
40 development given the area's demographics and shared his experiences attracting retail tenants in  
41 other more highly trafficked developments.

42 Mr. Scott Davis, a member of the Town's Economic Development Committee, noted he had visited  
43 the property, and asked if there were any retail options such as a Trader Joe's that might draw  
44 customers from the surrounding communities as well as Hideout residents. Mr. Christensen explained  
45 the area's demographic metrics would not support a retailer such as Trader Joe's choosing this  
46 location, but he would work on creating some level of mixed commercial space that would support  
47 the restaurants and the community. Mr. Amberry stated they would donate the land if Trader Joe's

1 would come to this development. Mr. Christensen reminded the Planning Commissioners of the  
2 grocery store site near Black Rock which remained unbuilt after several years.

3 Commissioner Tihansky noted the proposed fitness center would be a big draw for the larger  
4 community. Commissioner Turner noted the ongoing growth expected for Hideout and surrounding  
5 communities should be taken into consideration.

6 Commissioner Turner also noted the Kamas recreation center would be some competition for the  
7 proposed fitness facility, as well as the pool, pickleball, fitness center and clubhouse amenities to be  
8 built in future Shoreline and Deer Springs phases. Mr. Christensen stated the proposed fitness facility  
9 would have nominally priced usage fees with no social membership dues. Commissioner Turner also  
10 expressed her concerns with increased traffic on SR-248 which could lead to the need for additional  
11 traffic lights.

12 Mr. Christensen highlighted the additions to the concept plan made since the last Planning  
13 Commission meeting. These included a mixed-use retail pad and amphitheater with adjacent food  
14 truck site. He also discussed the various housing options. He estimated the condominiums would  
15 consist of twenty units per building.

16 Mr. Christensen invited the Planning Commissioners to visit the site. Town Attorney Polly McLean  
17 reminded the Planning Commissioners they should stagger any site visits to avoid a quorum unless a  
18 site visit was publicly noticed.

19 Mr. Christensen stated details regarding traffic lanes would need to be worked out with UDOT.

20 Ms. McLean asked about the status of the secondary access easement with Golden Eagle. Mr.  
21 Christensen responded he had just received the document and would address this at the next meeting.

22 In response to a question from Commissioner Woelfle, Mr. Amberry discussed the potential Public  
23 Infrastructure (or Improvement) District (PID) as a financing method within the project boundaries  
24 which would have a higher mil rate to repay the bond. Homes sold would require disclosure of this  
25 matter.

26 Commissioner Woelfle asked if the developers had secured water rights for the project. Mr. Amberry  
27 responded water rights were available and he anticipated obtaining them upon Town approval of the  
28 development.

29 Commissioner Gunn asked about emergency/ambulance response times and general emergency  
30 planning as the Town grows. Mr. Christensen noted fire stations typically staff emergency  
31 responders, with plans that are generally independent of developers. He added the development team  
32 would work with area police and fire departments as appropriate. Commissioner Gunn noted his EMS  
33 background and hoped there could be a plan to locate a fire station in Hideout. Ms. McLean noted  
34 such increased fire district services would be driven independent of the development and funded by  
35 property taxes. Mr. Christensen added the developer would be required to pay various impact fees,  
36 including for fire safety.

37 Town Council member Ralph Severini asked if there were any projections on expected non-property  
38 tax revenue to the Town related to the development. Mr. Christensen responded he had provided a  
39 report to town staff on property tax revenue projections and was still working on the transient and  
40 retail commercial tax projections.

41 Commissioner Turner asked about parking near the amphitheater and pond. Mr. Christensen  
42 responded there would be ample parking, with specifics to be incorporated in a more detailed plan.

43 In response to Chair Matyszczyk's question regarding next steps, Mr. Eddington replied the  
44 discussion would continue to the next Planning Commission meeting when an updated concept plan  
45 and requested rezoning would be on the agenda.

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**VI. Meeting Adjournment**

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

*Motion: Commissioner Tihansky moved to adjourn the meeting. Commissioner Turner made the second. Voting Aye: Commissioners Cooper, Matyszczuk, Tihansky, Tuner and Woelfle. Voting Nay: None. The motion carried.*

The meeting adjourned at 7:51 PM.

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Kathleen Hopkins, Deputy Town Clerk

DRAFT

**File Attachments for Item:**

1. Discussion and possible recommendation to Town Council regarding a Subdivision/Lot Amendment to Hideout Canyon lot 37 (parcel 00-0020-7851)



## 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 1 – Lot 37 Amendment to Residential Subdivision

Date: February 15, 2022

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*Submittals: The Applicant submitted the following plans:*

- *Subdivision Amendment Application dated 12 October 2021*
  - *Undated and Unsigned Subdivision Plat (submitted 26 January 2022)*
- 

### **Overview of Current Site Conditions**

Site Area: Lot Size is 4,225 SF (plus common space surrounding)

Zoning: Residential 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

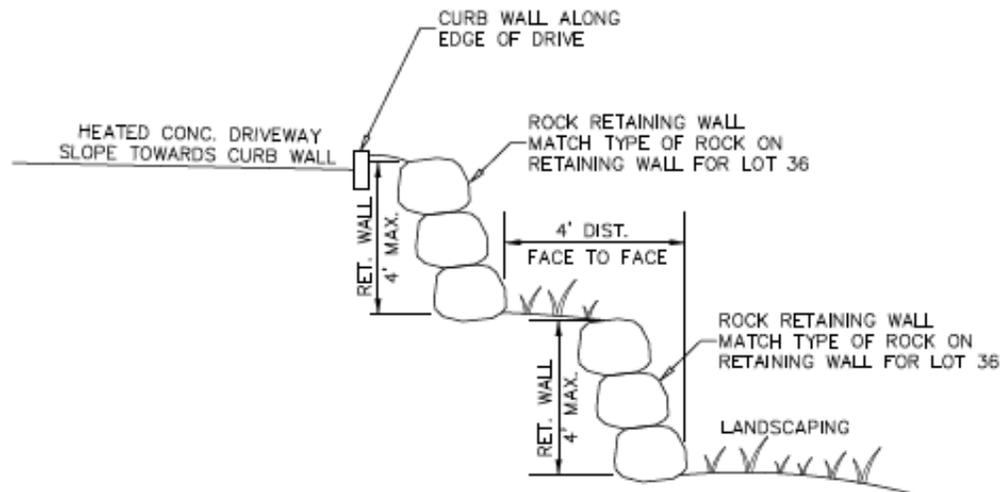
Max Height: 42' maximum (3 ½ stories)

### **Planning Overview**

The Applicant is proposing to change a driveway location for Lot 37 in the Hideout Canyon Subdivision (901 East Longview Drive). The existing driveway location (limited common designation) is a single driveway layout for two houses; this house and the one next door to the north. The owner desires to have a driveway that is not shared and is recommending the proposed driveway configuration illustrated by hatching on the attached plat. A few issues

must be addressed and/or conditions attached to an approval of the proposed Subdivision Amendment:

1. If the proposed driveway amendment is approved, the two driveways shall be completely independent - the two driveways should be completely separated (no physical connections). The plat shall be revised to show space between the two driveway easements (a strip of 'common' land, not 'limited common' with cross hatching).
2. The Applicant provided a topo map (attached) with existing grading. The Applicant noted that final grading would likely result in retaining walls approximately 4'-0" high for the back-out area. Town Code does not allow for a single retaining wall higher than 6'-0" or a terraced retaining wall greater than 10'-0". The sample 8'-0" terraced retaining wall is below (Applicant to confirm maximum height at the meeting):



**ROCK WALL**  
NOT TO SCALE

3. The back-out area originally proposed for Lot 37 was quite close to Longview Drive and has been removed.
4. The Applicant indicated the driveway to the north (north end of the existing shared driveway) is approximately 79'-0" from this proposed driveway connection to Longview Road. This should be confirmed at the meeting.



5. Any approval by the Town must be reviewed and approved by the HOA Design Review Committee.

## Neighbor's Input

At the November Planning Commission meeting, the Commissioners requested confirmation from the adjacent neighbor (to the north) that he/she was aware of what was being proposed and had no objections. The following email was submitted by the Applicant:

**From:** Edwin Jordan <[egj9343@gmail.com](mailto:egj9343@gmail.com)>  
**Sent:** Wednesday, January 12, 2022 7:11 AM  
**To:** Nate Thompson <[nate@cypressconsulting.net](mailto:nate@cypressconsulting.net)>  
**Subject:** Re: Lot 37 Driveway plan

Hi Nate,

Thanks for sharing your plans for creating an individual driveway to your home. I am in agreement with your plans.

Thanks, Ed

On Jan 11, 2022, at 2:14 PM, Nate Thompson <[nate@cypressconsulting.net](mailto:nate@cypressconsulting.net)> wrote:

Hi Ed,

Thanks for the time on the phone and taking a look at the plans we've developed for the driveway of our property at Lot 37. As you know we're working with the City of Hideout to get a plat amendment to do an individual driveway to our home, similar to how you did yours, instead of a shared driveway. As discussed our plan is to have our retaining wall look like a natural extension of what's already there. If you can please respond to this email that you're in agreement with our plan that'd be great, and will allow us to share this with the City and move the plat amendment forward.

Thanks very much,

Nate Thompson

<[HIDEOUT-37-GRADING-111621.pdf](#)>

Staff confirmed on the Wasatch County parcels map that Mr. Edwin Jordan is the owner of the lot north of the subject site (Lot 36).

## Recommendation

The Planning Commission should review the proposed amendment to the subdivision to accommodate two driveways and consider favorably recommending to the Town Council with the conditions outlined in this report.

February 15, 2022

Mayor Philip Rubin  
Town of Hideout  
10860 No. Hideout Trail  
Hideout, UT 84036

RE: Hideout Canyon Phase 1 - Lot 37 Plat Amendment Application Comments

Mayor Rubin,

The applicant is proposing to change a driveway location for Lot 37 in the Hideout Canyon Subdivision (910 East Longview Drive) from a driveway shared with Lot 36 to the north to its own stand-alone access to Longview Drive.

We wrote a letter dated November 17<sup>th</sup> 2021 with comments we had regarding the first set of plans they submitted. The applicant has since responded to and largely addressed those comments. We recommend approval with the following conditions:

***Plat***

- The new driveway easement should be labeled on the plat as limited common area.
- There should be a minimum of 3 ft of common area between the proposed driveway for Lot 37 and the existing driveway for Lot 36.

***Grading Plan***

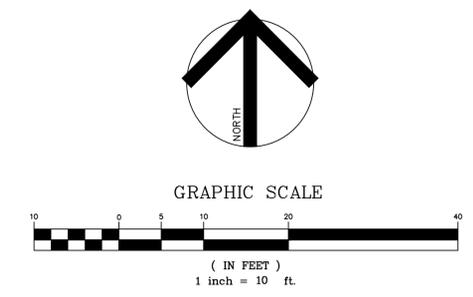
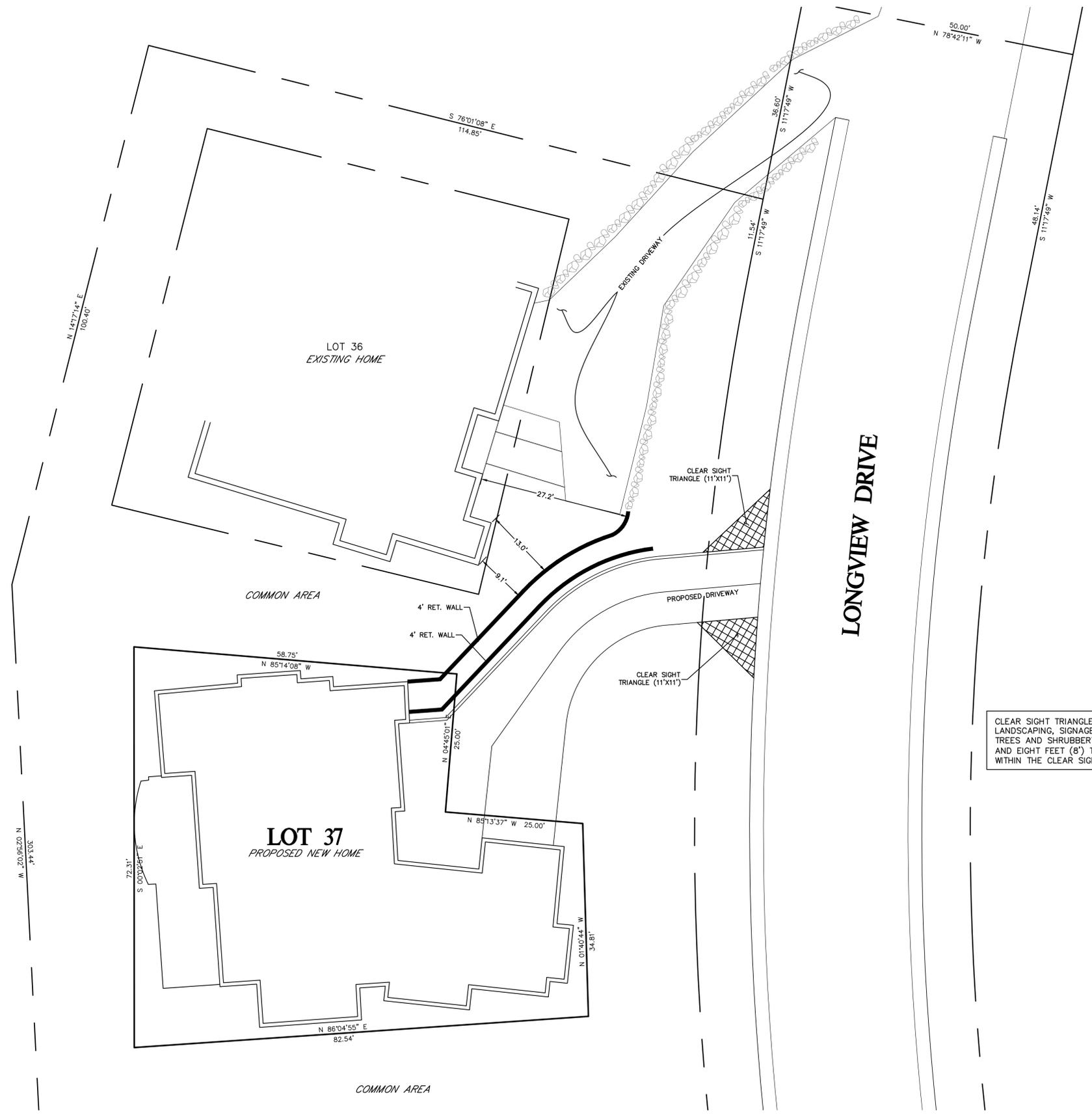
- The grading plan should label the retaining walls as having a *maximum* height of 4 ft.
- Please confirm and explain the choice of 11 ft x 11 ft for the clear sight triangle at the connection to Longview Drive.

Please let us know if you have any questions regarding our comments or assessment of this application.

Sincerely,  
T-O Engineers



Ryan Taylor, P.E.  
Project Manager



CLEAR SIGHT TRIANGLE NOTES:  
 LANDSCAPING, SIGNAGE, WALLS, FENCES,  
 TREES AND SHRUBBERY BETWEEN THREE (3')  
 AND EIGHT FEET (8') TALL ARE NOT ALLOWED  
 WITHIN THE CLEAR SIGHT TRIANGLE.

**SIGHT DISTANCE EXHIBIT, LOT 37**  
**HIDEOUT CANYON PHASE 1 AMENDED**  
**AMENDING POD 9 RESIDENTIAL PLAT**

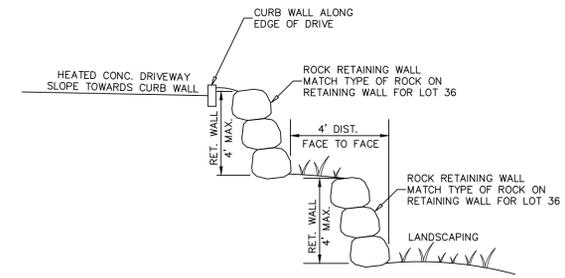
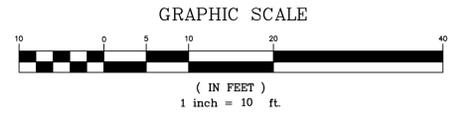
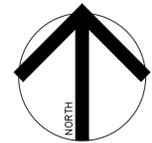
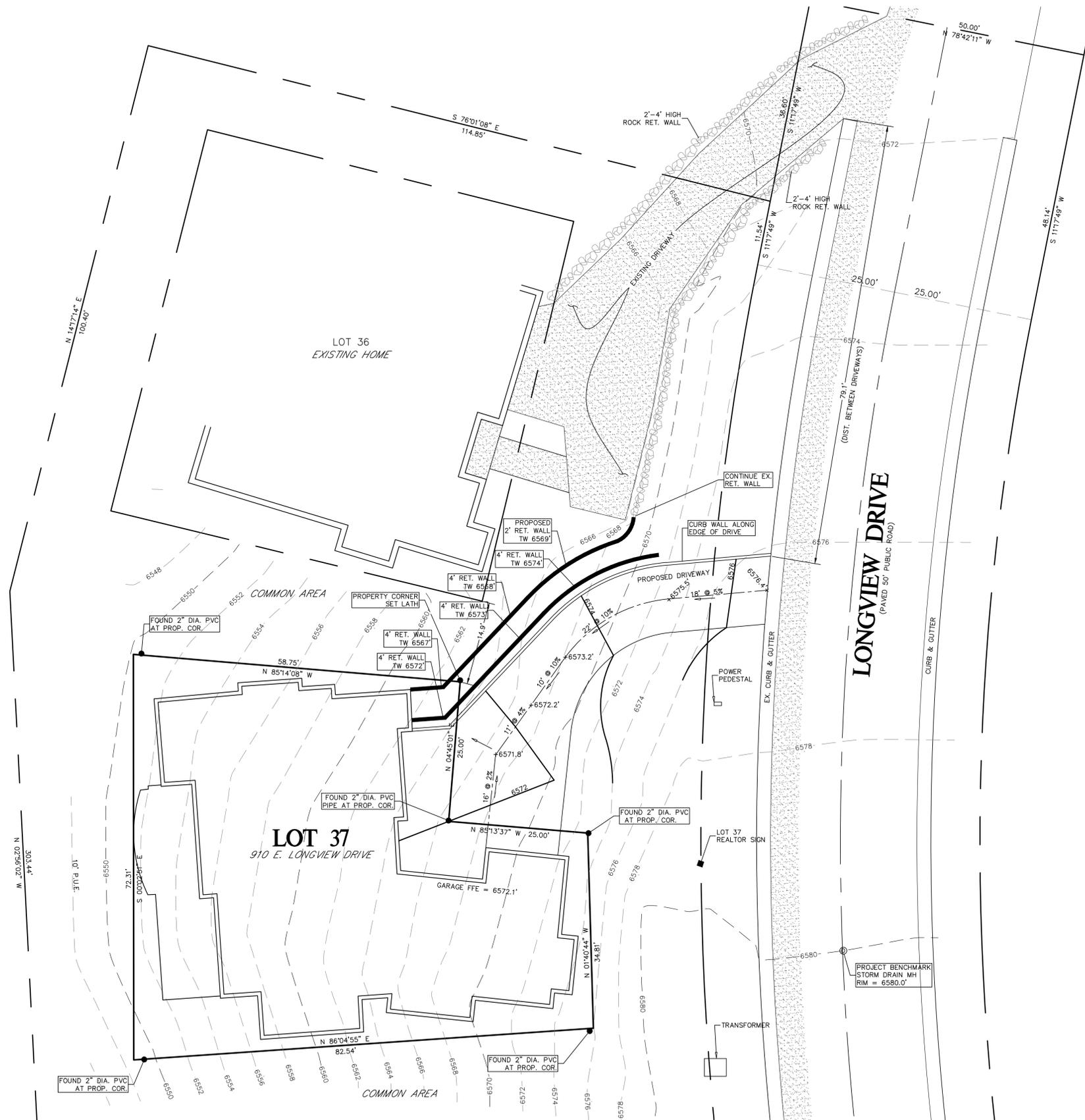
FOR: GRAVITY CONSTRUCTION  
 DWS: HIDEOUT-37-ROS  
 JOB NO. 2108

DATE	BY	REVISIONS	COMMENTS

SURVEYED BY:  
MD/ADM  
 DRAWN BY:  
ADM  
 CHECKED BY:  
ADM

**Evergreen Engineering, Inc.**

Civil Engineering • Land Surveying • Land Planning  
 1678 S. DeWilder Dr., Suite C • Utah • 84060  
 P.O. Box 2881 • Park City • Utah • 84060  
 Phone: 435.243.4444  
 Email: info@evergreen-eng.com



**ROCK WALL**  
NOT TO SCALE

SAN. SEWER MH  
RIM = 6541.5'

FOUND 2" DIA. PVC  
AT PROP. COR.

FOUND 2" DIA. PVC  
PIPE AT PROP. COR.

FOUND 2" DIA. PVC  
AT PROP. COR.

PROJECT BENCHMARK  
STORM DRAIN MH  
RIM = 6580.0'

**GRADING EXHIBIT, LOT 37**  
**HIDEOUT CANYON PHASE 1 AMENDED**  
**AMENDING POD 9 RESIDENTIAL PLAT**

FOR: GRAVITY CONSTRUCTION  
DWS: HIDEOUT-37-ROS  
JOB NO. 2108

SURVEYED BY:  
MD/ADM  
DRAWN BY:  
ADM  
CHECKED BY:  
ADM

DATE	BY	COMMENTS

**Evergreen Engineering, Inc.**  
Civil Engineering • Land Surveying • Land Planning  
1678 S. W. 2850 E., Suite C • Park City • Utah • 84060  
Tel: 435.633.1111 • Fax: 435.633.1112  
Email: info@evergreen-eng.com



**File Attachments for Item:**

2. Discussion and recommendation to Town Council regarding a concept plan for the Boulders at Hideout Development



## Staff Report for the Boulders – Concept Plan Review

To: Chairman Tony Matyszczuk  
Town of Hideout Planning Commission

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

Re: The Boulders Concept Plan Review by Skyhawk Development

Date: February 15, 2022 (December 15, 2021 and January 19, 2022 Staff Reports are *Updated in Italics*)

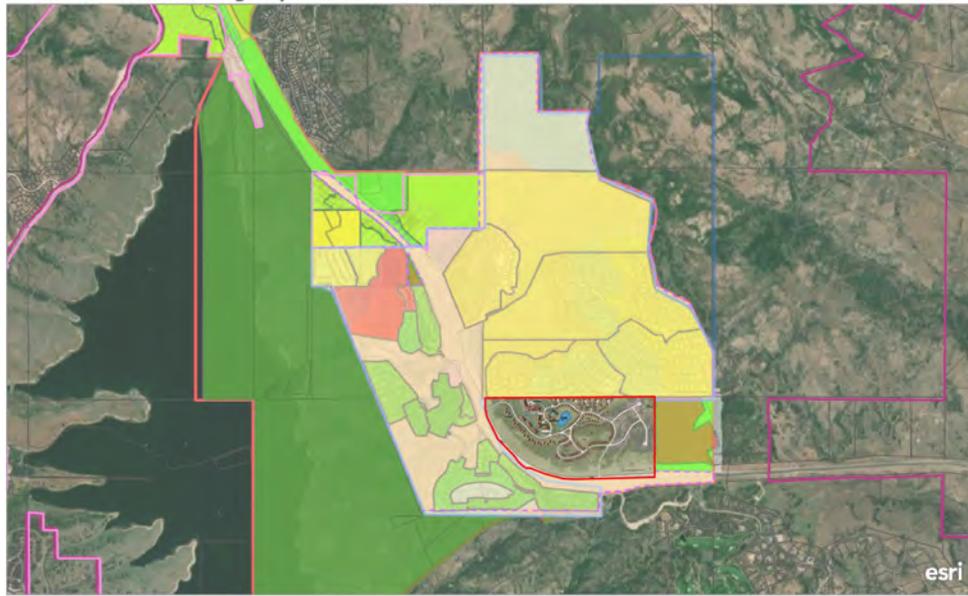
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*Submittals: Concept Plan Application and Master Plan (9 December 2021)  
Concept Plan dated 10 January 2022  
Open Space, Storm Water, Snow Storage Plans (8 February 2022)*

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### Site Location (proposed site in red outline)

Town of Hideout Planning Map



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community | Utah AGRC

**Site Characteristics**

Total Acres of Site: 112 Acres

Current Zoning: Mountain (M)

Allowed Density: One (1) unit per acre or approximately 85 units after road infrastructure is built.

Concept Density: +/-610 Units (or +/-574 ERUs; only draft calculations currently available)  
5.35 units per acre

General Uses: The developers are proposing a development concept that includes a variety of residential building typologies, a bed-and-breakfast, a retail pad, and a hotel.

**Concept Plan (10 January 2022)**





## Planning Issues & Concerns for Discussion – Carried Over from December 2021 Planning Commission Meeting

Density: A 500%+ increase beyond existing allowances requires a thorough discussion of the 'gives and gets' associated with a conceptual up-zoning of such scale.

Planning Commission input required:

- This proposed Concept Plan will create +/-610 units (not ERUs; that calculation follows later in the report) which equates to 5.35 units/acre.
  - *Of these units 150 will be in the hotel and 20 will be in the B&B leaving approximately 400 units of residential.*
- By way of comparison, the density of recent subdivision approvals:
  - Deer Springs: 97 acres, 248 Units (2.57 units/acre)
  - Lakeview: 22.4 acres, 69 units (3.08 units/acre)

Planning Commission input requested:

- *At both the December 2021 and January 2022 Planning Commission meetings, the Commissioners expressed concern about the density. The Planning Commission should provide input and direction for the Applicant to move forward.*
  - *Is there support for this amount of density?*
  - *If not, what density does the Planning Commission believe is appropriate?*
  - *Conversely, if so, what amount of local/unique/specialty destination commercial development to create a mixed-use Town 'center' component would be required as a 'get' for the Town to 'give' on the density?*

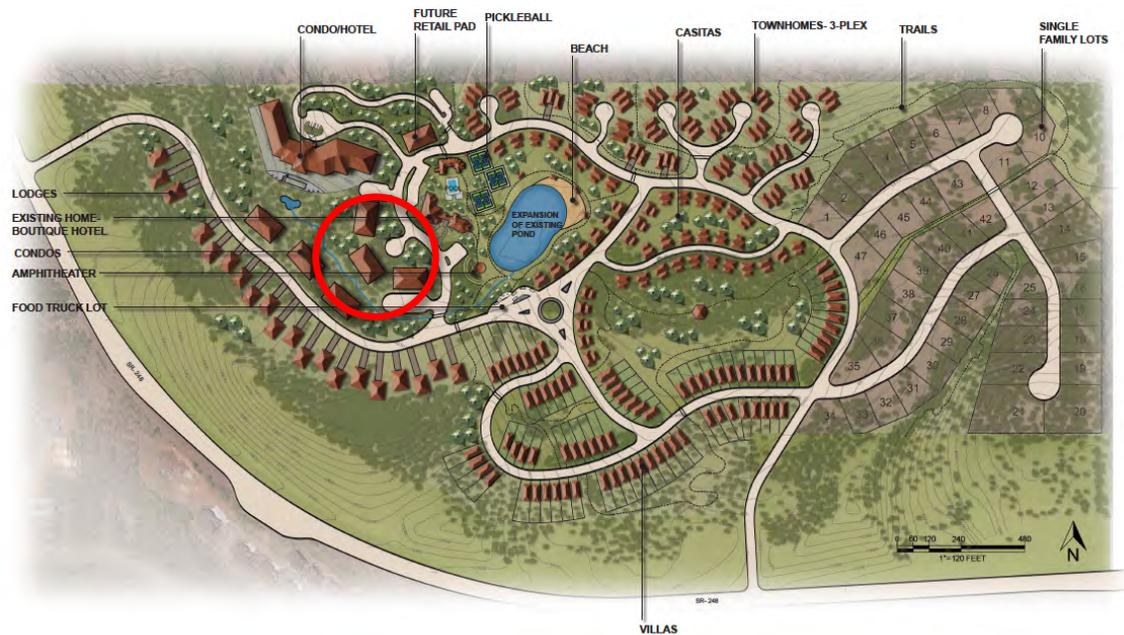
Uses Missing: A town center or village square would provide the local commercial opportunities that are missing in the community and requested daily. This is the last large piece of developable property in the Town and the only location where a town center or village square could be built. It could be incorporated around or near the hotel and provide an amenity to visitors and residents alike. +/-10 - 20 acres dedicated to these uses would not only provide space for commercial amenities such as restaurants, local retail, etc. but also ensure the future viability of the Town with sales tax – a desperately needed fiscal component to balance the Town's existing heavy reliance on residential property tax dollars.



Planning Commission input requested:

- *At the December 2021 and January 2022 Planning Commission meeting, the Commissioners requested additional commercial development. The developers added a retail pad site in the open space that is northeast of the hotel. In total, the proposed commercial space encompasses:*
  - *Hotel restaurant: 4,000 SF*
  - *B&B restaurant: 4,000 SF*
  - *Coffee shop (in clubhouse): 1,500 SF*
  - *Sundries (in clubhouse): 500 SF*
  
- *What is the minimum amount of commercial space the Planning Commission wants to see as part of this proposed development? It is worth noting that a 'town' center or village center in this location will be specialty or food or drink or sport or art or entertainment related. Likely commercial opportunities include:*
  - *Bars or pubs*
  - *Restaurants*
  - *Sport rental/sales shops*
  - *Art shops*
  - *Entertainment venues, meeting space, etc.*
  
- *A general rule of thumb suggests that approximately 10% - 15% of a development area should be reserved for future commercial space. Would the Planning Commission support the dedication of +/- 10 acres for a small village or town center?*
  - *An approach could be for the Town to reserve +/- 10 acres (or +/- 5 acres independent of the hotel/BnB sites) for future local/unique/specialty destination commercial development. This area could provide an opportunity for the Town/developer to partner and consider options to sell/lease/long-term/give/lease land to entrepreneurs that commit to building the type of commercial development appropriate in this unique mountain setting. This would also help to achieve the goal to create a Town Center that is noted in the 2019 General Plan.*
  
  - *The residential density displaced by this commercial development could be located on a different portion of the overall site plan.*

- The following is a conceptual location for a 5- or 10-acre site that could be set aside for future commercial development:



**Connection to Town:** The Town is disconnected from east to west as a result of SR 248 – it creates a very real and dangerous barrier for pedestrian and bike connectivity in particular. An underground pedestrian and biking tunnel could be part of this concept plan and truly provide easy access from east to west, particularly if located near North Hideout Trail Road.

Planning Commission input required:

- How important is it to connect this proposed development to the western part of the community? A connection would likely include an underpass that crosses SR248 to connect the Hideout community.
- The existing Concept Plan has trails throughout the proposed development as required by Town Code, but there are no connections proposed across SR 248.

**Open Space/Buffers:** The development should have clustered areas with significant open space buffers providing park/trail opportunities.

Planning Commission input requested:

- *The Applicant submitted an updated site plan – Open Space and Disturbed Areas Calculations. The calculations indicate 55% of the site will be disturbed; 45% will be preserved. The Applicant shall provide a detailed plan illustrating the areas that will be undisturbed by development, grading, infrastructure – the 45% shall be delineated on the plan.*

Unit Type	TOTAL ACRES	DISTURBED AREA
VILLAS	14.10	12%
CASITAS	15.68	14%
LOGES	5.71	5%
TOWNHOMES-3-PLEX	8.57	7%
CONDOS AND MIXED-USE RETAIL PAD	4.11	4%
COPMMUNITY CLUBHOUSE	0.35	0%
EXISTING HOME-BOUTIQUE	0.60	1%
HOTEL/RESTAURANT	2.03	2%
CONDO/HOTEL	11.87	10%
SINGLE FAMILY HOMES	63.01	55%
TOTAL		

- *The Storm Water Master Plan illustrates some of the retention basins in the UDOT right-of-way. These will have to be moved onsite. In addition, the stormwater retention basin located on the adjacent private property must be moved onto the Applicant's property.*

**Design:**

*Recent developments within the Town of Hideout have been approved conditioned upon the creation of Design Standards and the establishment of a Design Review Committee (typically a PC member, a TC member, and the Town Planner) to review and approve all development. Does the Planning Commission recommend this or something similar?*

**Infrastructure:**

Issues regarding water rights and availability must be addressed. How will the road infrastructure be built and financed? A Public Improvement



District (PID) has been discussed in prior meetings with the developers; intent and details should be clarified.

Planning Commission input required:

- *The Applicant proposes to use a PID to finance the infrastructure for this project. What are the details and timing for this bond?*
- *The Boulders currently has no connection to Golden Eagle. Is there a way to connect these two developments beyond an emergency access road?*
- *Any approval will have to be conditioned on the developer bringing their own water.*

## Next Steps

The Planning Commission should review the proposed concept plan and provide detailed input to the developers.

The Applicants have requested a vote by the Planning Commission. They have a limited timeline per the purchase agreement with the property owner. The necessary concept plan requirements have been submitted per HTC 11.06.18):

- Concept Plan Components:
  - Roads/Traffic
  - Lots
  - Trails
  - Open Space/Undisturbed Space
  - Snow Storage
  - Conceptual Landscape Plan
  - Conceptual Building/Architectural Plans
  - Storm Water Plan (w/basins)

The concept plan application is an opportunity for the Planning Commission to coordinate the 'gives and gets' of possible future development opportunities with the developers. The Planning Commission is being asked to vote on this application – a favorable recommendation or an unfavorable recommendation to the Town Council. The Planning Commission should be prepared to include conditions of approval (or denial) at the meeting, specifically regarding the following:

- Maximum density allowance: +/-610 Units (or +/-574 ERUs; only draft calculations currently available) or 5.35 units per acre proposed
- Undisturbed area requirements – 45% proposed by the Applicant
- Minimum square feet (or acreage allotment) for commercial development



- All roads must meet the Town Code standards
- All trails and open space must be approved by the POST Committee
- Design Standards and review process shall be included in a Development Agreement
- Traffic analysis must be at a level B or higher for all areas of the proposed development
- Any updated zoning standards shall be applicable for the development
- An easement across The Boulders property to Golden Eagle

**Town Code: 11.06.20 Concept Plan Procedures (Approval Timeline)**

- G. If the Planning Commission finds that the proposed Concept Plan complies with all applicable requirements, it shall approve the Concept Plan, or approve the Concept Plan with conditions, and the Applicant may apply for Preliminary Plan approval. If the Planning Commission determines that the proposed Subdivision would violate local ordinances and regulations, no further review of the proposed Subdivision shall be made by the Planning Commission, and a new Concept Plan shall be required to re-initiate the Subdivision process.*
- H. The approval of the Concept Plan shall be effective for a period of six (6) months from the date the Concept Plan is approved by the Planning Commission, at the end of which time the Applicant must have submitted a Preliminary Plan for approval. If a Preliminary Plan is not submitted for approval within the six (6) month period following approval, or as extended by the Planning Commission in writing, the Concept Plan shall be void, and the Applicant shall be required to submit a new Concept Plan for review and approval subject to the existing provisions of this Code. An approved Concept Plan does not authorize the applicant to begin any form of land disturbing activities.*

February 8, 2022

Mayor Phil Rubin  
Town of Hideout  
11275 N Normandy Way  
Highland, UT 84003

RE: DRAFT Salzman Property / Boulders at Hideout- Conceptual Master Plan

Mayor Rubin,

Town staff received documents showing a concept plan for the development of the Salzman property west of Golden Eagle off UT-248. The documents discussed in this letter dated 10<sup>th</sup>, 2022 were received by T-O in February. Based on Town code, the documents do not constitute a complete submittal for the concept phase of development. Therefore, a complete review was not possible, T-O does not recommend approval until a complete application has been reviewed and the items below addressed.

The following submittal documents were not reviewed:

- A conceptual level road design; as described in section 11.06.18.01, B, numbers 2-6
  - Include the locations of sidewalks
- A conceptual level landscape plan
- A conceptual level drainage control plan
- A conceptual level snow management plan

Roadway

- Provide UDOT approval to upgrade/add the accesses as shown. Sight line triangles at the proposed intersections should be analyzed and addressed. Access locations will need to be consistent the UDOT access agreement. It appears one of the access may utilize another parcel, if so, easement will be required.
- Standard road cross sections will be required. The town standard is 31' wide roads (26' of asphalt). The cul-de-sac will need to be 80' in diameter, per the town standards. It is very difficult to scale the provided images but the roads appear much narrow in places. Proper road design may limit the density of development. Without grading plans it is not possible to determine if the slopes & grades of the proposed roadway network will meet standards.
- Submit a traffic report reflecting the impact of the development.
- Wrangler Drive in the Golden Eagle development is stubbed to this property. There needs to be a connectivity at this point between developments. We strongly recommend that the Salzman development have 2 connection points to the Golden Eagle development and at least one to the east parcel.

- The “Y” intersection at the center of the development may not meet safety requirements. The information submitted does not provide adequate information to fully evaluate this at this time.

#### Environmental

- At least 1 drainage on the property appears to be listed as a river / stream, and may qualify as a water of the state. Provide a letter from the state engineers office or Army Corps office that no jurisdictional waterways are present. If the drainage(es) are determined to be waters of the state a 50' offset from the high water mark of the drainage where no building can occur will be required.

#### Grading

- There appears to be planned development on steep slopes. These should be considered for feasibility and code compliance based on Section 10.08 of the Town code.

#### Trails

- Show the type, size and grades of the proposed trails.
- Provide connections to adjoining properties.

#### Storm Drainage

- Lot 15-16 and 25-32 appear to be drawn over a natural drainage. The natural drainage will need to be preserved and the capacity of the channel maintained to avoid future flooding of the properties.
- The concept does not show any location for storm water detention. Detention basins may require a sizable amount of land and could affect the maximum density. Submit a conceptual level drainage plan with approximate detention sizing and location(s) for onsite detention.
- There are other smaller drainages entering the property where structures are planned. Existing condition flows from these drainages will need to be determined and managed to avoid a flooding risk. We highly recommend preserving existing drainages where possible.
- Classify the jurisdiction of the drainages on site. Water of the state requires additional setbacks & preservation.

#### Culinary water

- The applicant will need to furnish sufficient water rights, that are transferable to JSSD, for the proposed project. The quantity of water rights will be calculated using JSSD standard ERU tables and state code R309-510. The water rights should be determined and dedicated for the entire project prior to construction.

The application does not provide any volume calculations or water distribution. Based on the town's water model, connections from UT-248 will likely be insufficient to provide fire flows. It is recommended, and likely required, that piping connections be made from the west, north and with UT-248 to create a looped system. If possible, waterline connections should be located along the same alignments as roadways.

Sewer

- Provide a concept collection layout for the sewer collection showing any connection points to JSSD and any necessary lift station or other key infrastructure.
- Provide a letter from JSSD stating that the sewer main along UT-248 has sufficient capacity for the proposed development. The Town does not have adequate capacity through the Town's sanitary sewer system down-gradient from the proposed development to accommodate the proposed development.

We would be happy to discuss this letter in further detail and answer any questions you may have.

Sincerely,  
T-O Engineers

Ryan Taylor, P.E.  
Project Manager

February 14, 2022

Mayor Phil Rubin  
Town of Hideout  
11275 N Normandy Way  
Highland, UT 84003

RE: DRAFT Salzman Property / Boulders at Hideout- Additional information 2/11/22

Mayor Rubin,

Town staff received documents showing a concept plan for the development of the Salzman property west of Golden Eagle off UT-248. The documents discussed in this letter dated 10<sup>th</sup>, 2022 were received by T-O in February. On February 12<sup>th</sup> We received an updated drawing and additional water volume calculations.

The updated plans do show an “emergency” road now connecting to Golden Eagle, but this does not meet the connectivity requirements noted in the prior letter. The updated submittal did not address any of the other concerns in the prior letter.

We did receive calculations estimating the required volume of water the project may require.

- INDOOR
- 0.45 AF for indoor water use of the townhomes, Casitas, villas, lodges, SF lots is appropriate
- I understand the commercial was based on JSSD table, however, Utah division of drinking water 309-510 table 2 estimates hotel water use at 150 GPD/ unit. a 150 units @ 150 GPM/ day would require 25.2 AF. Approximately double what is provided in the applicants estimate
- Similarly the Boutique Hotel would require 3.36 AF
- Mixed use pad calculation is acceptable for the commercial use but does not include the .45 AF required for the “condo on top.” It is unclear if that is 12 units or more.
- The calculations for the restaurants (2) are unclear, based on 4000 square feet and 25 square feet per seat Table 1 would require 35 GPD/ seat or a total of 6.28 AF and 3.76 AF respectively
- The clubhouse and mixed use pads are consistent with JSSD table. But further evaluation will be required when the design and amenities in these structures is better understood.
- In total it appears as much as 26 AF of additional water maybe required for indoor use.
- OUTDOOR
- Without a landscaping plan with acreages presented it is difficult to evaluate outdoor water use properly. 0.45 per unit for most residents appear reasonable. 3 AF/acre should be assumed for commercial uses, it is unclear how or why “adjusted” columns are shown. It appears applicant is planning on 36 irrigated acres of commercial or 108 AF of water. Plus the residential use of 102.75 and the pond etc. of 30AF for a total irrigation demand of 240 AF.

- Based on the information provided, water use could be high as 483 AF. A better understanding of the applicant's irrigation demands will be required to better determine the anticipated water volume more precisely.

We would be happy to discuss this letter in further detail and answer any questions you may have.

Sincerely,  
T-O Engineers

Ryan Taylor, P.E.  
Project Manager

# ERU CALCULATION



ERU CALCULATION				
RESIDENTIAL	TOTAL UNITS	SF RANGE	ERUS	TOTAL EURS
TOWNHOMES	75	1,600 - 2,200	1.00	75
CASITAS	80	2,600 - 3,200	1.00	80
VILLAS	80	2,800 - 4,400	1.00	80
LODGES	20	3,500 - 5,000	1.00	20
SF LOTS	47	4,500 - 9,000	2.00	94
<b>RESORT RESIDENTIAL</b>				
HOTEL	150	550 - 850	0.50	75
BOULIQUE HOTEL	20	550 - 850	0.50	10
BIG HOUSE CONDOS	128	1,250 - 2,200	1.00	128
MIXED-USE PAD SITE	10	850 - 1,500	0.75	7.5
<b>COMMERCIAL/AMENITIES</b>				
RESTAURANT - HOTEL	0	4,000	2.00	0.75
RESTAURANT - BOULIQUE	0	4,000	2.00	0.75
COFFEE/JUICE - CLUBHOUSE	0	1,200	1.00	0.75
CLUBHOUSE	0	6,000	3.00	0.75
SUNDRIES - CLUBHOUSE	0	500	0.5	0.75
RETAIL - MIXED USE PAD SITE	0	2,500	1.00	0.75
<b>TOTAL ERUS REQUIRED</b>	<b>610</b>			<b>576.93</b>

# BOULDERS AT HIDEOUT MASTER PLAN

SKYHAWK DEVELOPMENT

02.08.22



# COMMERCIAL CALCULATIONS

- CONDO/HOTEL
- RESTAURANT
- MIXED-USE RETAIL PAD  
2,500-4,000 SQ
- COMMUNITY CLUBHOUSE

EMERGENCY ACCESS ROAD



USE	COMMERCIAL SF
HOTEL	125,000
RESTAURANT - HOTEL	4,000
BOUTIQUE HOTEL	7,000
RESTAURANT - BOUTIQUE HOTEL	4,000
MIXED USE BUILDING	2,500
CLUBHOUSE COFFEE	1,200
CLUBHOUSE SUNDRIES	500
FOOD TRUCK LOT	2,000
TOTAL	146,200

# BOULDERS AT HIDEOUT MASTER PLAN

SKYHAWK DEVELOPMENT 02.08.22



# INDOOR & OUTDOOR AMENITIES

CONDO/HOTEL

RESTAURANT

COMMUNITY CLUBHOUSE

PICKLEBALL

BEACH

TRAILS

EMERGENCY ACCESS ROAD

VILLAGE CENTER  
BOUTIQUE HOTEL/  
RESTAURANT

FOOD TRUCK LOT

INDOOR AMENITIES	
RESTAURANT - HOTEL	4,000
SPA - HOTEL	2,500
RESTAURANT - BOUTIQUE HOTEL CLUBHOUSE	4,000
AEROBICS ROOM	2,000
FITNESS ROOM	2,000
COFFEE SHOP	1,500
SUNDRIES	500
OUTDOOR AMENITIES	
LAGOON & BEACH	NA
PICKLE BALL COURTS	NA
POOL & JACUZZI	NA
AMPHITHEATER	NA
FOOD TRUCK LOT	NA
TRAILS SYSTEM	NA



# BOULDERS AT HIDEOUT MASTER PLAN

SKYHAWK DEVELOPMENT

02.08.22



# OPEN SPACE AND DISTURBED AREAS CALCULATIONS



# BOULDERS AT HIDEOUT MASTER PLAN

SKYHAWK  
DEVELOPMENT

02.08.22



# STORM WATER RETENTION

ENTRY MOUNDMENT

EMERGENCY ACCESS  
ROAD



# BOULDERS AT HIDEOUT MASTER PLAN

SKYHAWK  
DEVELOPMENT

02.08.22



# SNOW STORAGE AREAS

ENTRY MOUNDMENT

EMERGENCY ACCESS ROAD



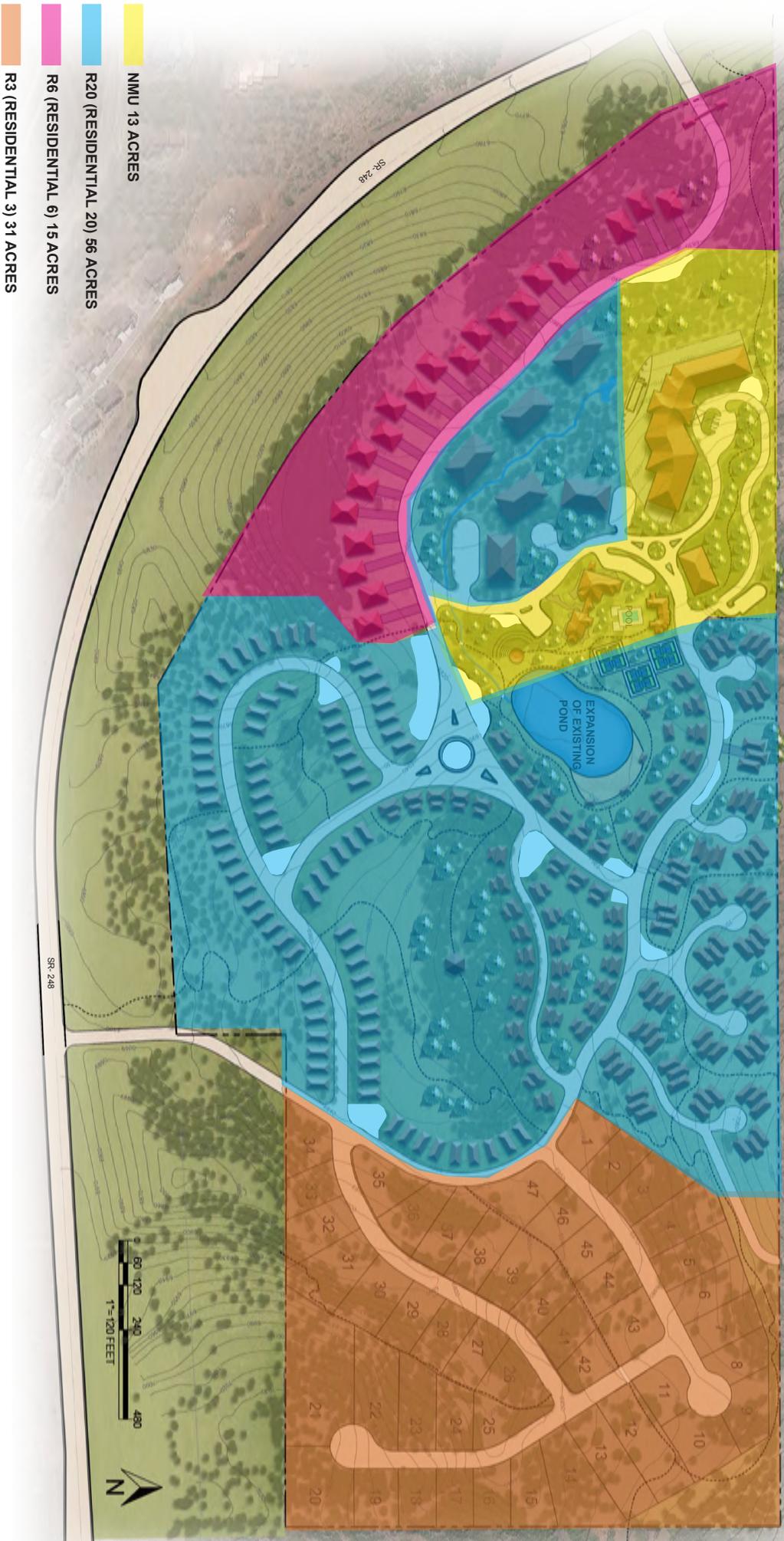
# BOULDERS AT HIDEOUT MASTER PLAN

SKYHAWK  
DEVELOPMENT

02.08.22



# ZONING DISTRICTS



# BOULDERS AT HIDEOUT MASTER PLAN

SKYHAWK  
DEVELOPMENT

01.26.22



ENTRANCES



SIGNAGE



SITE AMENITIES



TRAILS



**BOULDERS AT HIDEOUT**  
PRECEDENT IMAGES

**SKYHAWK**  
DEVELOPMENT

01.26.22



BIG HOUSE CONDOS & TOWNHOMES



CASITAS



VILLAS & SINGLE-FAMILY HOMES



LODGES



# BOULDERS AT HIDEOUT PRECEDENT IMAGES

SKYHAWK  
DEVELOPMENT

01.26.22



**File Attachments for Item:**

3. Discussion and recommendation to Town Council regarding an amendment of the Official Town of Hideout Zoning Map to rezone parcels 00-0020-8181, 00-0020-8182, 00-0020-8184, and 00-0020-8185 (the “Boulders at Hideout Development”) from Mountain (M) zone to Neighborhood Mixed Use (NMU), R20 (Residential 20), R6 (Residential 6), and R3 (Residential 3)



## Staff Report for the Boulders – Rezoning Request Review

To: Chairman Tony Matyszczyk  
Town of Hideout Planning Commission

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

Re: The Boulders - Rezone Review

Date: 15 February 2022

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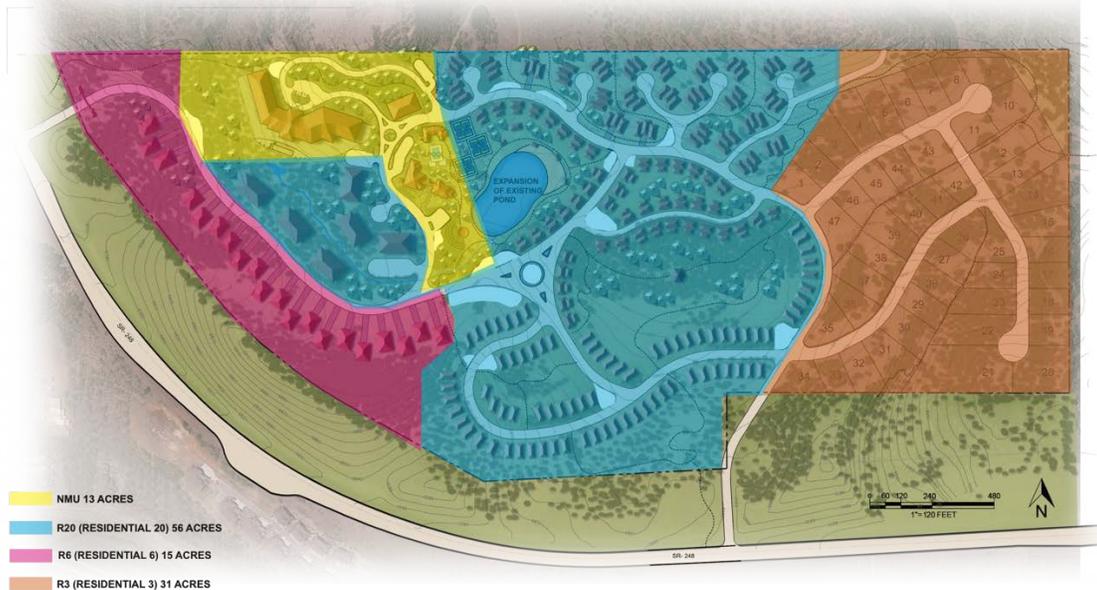
Submittals: *Rezone Application and Plan Set (dated 26 January 2022)*

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### Rezone Request

As part of the expedited review process for The Boulders project, the Applicant is requesting the following zoning district designations:

#### ZONING DISTRICTS





The following is the proposed ERU table provided by the Applicant:

<b>ERU CALCULATION</b>						
<b>RESIDENTIAL</b>		<b>TOTAL UNITS</b>	<b>SF RANGE</b>		<b>ERUS</b>	<b>TOTAL EURS</b>
	TOWNHOMES	75	1,600	2,200	1.00	75
	CASITAS	80	2,600	3,200	1.00	80
	VILLAS	80	2,800	4,400	1.00	80
	LODGES	20	3,500	5,000	1.00	20
	SF LOTS	47	4,500	9,000	2.00	94
<b>RESORT RESIDENTIAL</b>						
	HOTEL	150	550	850	0.50	75
	BOUTIQUE HOTEL	20	550	850	0.50	10
	BIG HOUSE CONDOS	128	1,250	2,200	1.00	128
	MIXED-USE PAD SITE	10	850	1,500	0.75	7.5
<b>COMMERCIAL/AMENITIES</b>						
	RESTAURANT - HOTEL	0	4,000	2	0.75	1.5
	RESTAURANT - BOUTIQUE	0	4,000	2.00	0.75	1.5
	COFFEE/JUICE - CLUBHOUSE	0	1,200	1.00	0.75	0.75
	CLUBHOUSE	0	5,000	3	0.75	2.25
	SUNDRIES - CLUBHOUSE	0	500	0.5	0.75	0.38
	RETAIL - MIXED USE PAD SITE	0	2,500	1	0.75	0.75
	<b>TOTAL ERUS REQUIRED</b>	<b>610</b>				<b>576.63</b>

*\*Note: The proposed ERUs for the 'Sundries – Clubhouse' should be a total of 0.75 ERUs, not 0.38 ERUs (the Sundries – Clubhouse' will only use a portion of the 0.75 ERUs but the Code does not allow for a percent of a Commercial ERU). The total requested ERUs should be 577 ERUs.*



### **Zoning Designations Requested**

Residential 3 (R3)	Maximum Density = 3 units/acre Requested for 31 acres = <b>Possible density of 93 units total</b>
Residential 6 (R6)	Maximum Density = 6 units/acre Requested for 15 acres = <b>Possible density of 90 units total</b>
Residential 20 (R20)	Maximum Density = 20 units/acre Requested for 56 acres = <b>Possible density of 1,120 units total</b>
Neighborhood Mixed Use (NMU)	Maximum Density = 20 units/acre Requested for 31 acres = <b>Possible density of 620 units total</b>

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**Total Allowed Equivalent Residential Units (ERUs) Per Zoning = 1,923 ERUs**

The ‘allowed density’ per the requested rezoning is quite high at 1,923 ERUs. If the Planning Commission decides to move forward with the proposed rezoning request, it is strongly recommended that a maximum density for the overall project – The Boulders (112 acres) – is included in the resulting Master Development Agreement (MDA). The proposed zoning districts generally make sense in terms of allowing the developer the flexibility to cluster some residential development while preserving open space within the project area.

The Applicant should review the amount of Residential 20 (R20) proposed and see where reductions to the size of the area can be reduced. The area around the tri-plexes could be zoned Residential 3 (R3) or Residential 6 (R6).

## General Plan Analysis

Zoning requests can have significant impacts on the community. As such, they must conform to recommendations and requirements of the General Plan. The 2019 General Plan for Hideout includes the following Vision Statement:

### 2.1 Vision Statement

Hideout, Utah is a community that treasures both its residents and its environment. As such, Hideout's vision is to:

1  
preserve  
outstanding  
views

2.1.1 To Preserve  
Outstanding  
Views,

All development will be intentionally designed around enhancing and accentuating the existing environment, recreational open space, and livability of the community.

2  
cultivate  
an inviting  
neighborhood  
atmosphere

2.1.2 To Cultivate an  
Inviting Neighborhood  
Atmosphere,

The intensity of land use will be managed to promote the design standards and environmental ideals laid out in the General Plan and other town documents.

3  
build a  
connected  
community

2.1.3 To Build  
a Connected  
Community,

Public gathering spaces and appropriate commercial growth will be accessible by a variety of transportation options.



The 2019 General Plan's Land Use Goals are:

### 3.4.1 Hideout's land use goals are to:

1. Preserve the viewsheds, green space, and unique topography by updating and enforcing a zoning code that reflects Hideout's Community Vision.
2. Maintain the unique character of Hideout by managing intensity of land use and promoting a mix of residential and commercial uses appropriate for the community.

The Planning Commission must review the Town of Hideout's General Plan and determine if the proposed rezone request meets the intent of the plan - Neighborhood Mixed Use (NMU) combined with the residential zoning districts.

### **Recommendation**

The Planning Commission should review the proposed zoning and if agreeable to the proposed density and zoning, consider a recommendation to Town Council with the following conditions:

- The density for the entire Boulders concept plan shall be capped at 577 ERUs and in approximately the same configuration as included in the Applicant's ERU calculation table included in this report.
- If infrastructure or site conditions limit or are not suitable to allow a density up to 577 ERUs, the Planning Commission may limit the maximum allowable ERUs
- A minimum of 45% (or 50 acres) of the proposed Boulders concept plan (112 acres) shall remain undisturbed – trees, vegetation, slope, etc. shall remain in a natural condition.



- The Boulders concept plan layout shall take precedent at time of Subdivision application when considering massing and building typology.
- Determine a minimum threshold for NMU commercial development – a minimum square feet dedicated to commercial uses.
- Consider finalizing the zoning district boundary lines at time of subdivision application.



**Exhibit A - Zoning District Allowances**

Residential 3 (R3) Zoning District – Requested Zoning for 31 Acres of the Site

**Permitted Uses**

<b>Land Uses</b>	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	P
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	C
Community Center	C
Private Residence Clubs	



Public Building	
Public Services Facility	
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store	
Day Care Centers	
Equestrian Facilities	
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	
Office	
Personal Services	



Recreational Facilities	
Restaurant (with Drive through support)	
Restaurant	
Retail	
Service Station	
Storage Facility	
Theater	

- *P = Permitted*
- *C = Conditional*
- *No label = Not a Permitted Use*

### Area and Bulk Standards

<b>Density</b>	
Maximum Density (ERU) per Acre	3
Minimum Open Space	25%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	.33 Acre
Minimum Lot Frontage	85'
Minimum Lot Width	75'
Minimum Lot Depth	80'
Maximum Lot Coverage (in sq. ft.)	8,712



<b>Setbacks</b>	
Minimum Front Setback from road edge	25'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	20'
Minimum Side Setback	20'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	15° or 5'
<b>Building</b>	
Maximum Building Height	35'
Maximum Units per Building	1
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sqft)	Conditionally
Minimum Garage Parking (residential: per unit)	2
Minimum Driveway Length	25'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	No
Maximum Driveways (per Frontage)	1
Permitted Driveway Materials	Concrete





Residential 6 (R6) Zoning District – Requested Zoning for 15 Acres of the Site

**Permitted Uses**

<b>Land Uses</b>	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	C
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	P
Single Family Detached	P
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	C
Community Center	C
Private Residence Clubs	C
Public Building	C



Public Services Facility	
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store (no drive-through support)	C
Day Care Centers	
Equestrian Facilities	
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	



Restaurant (with drive-through support)	
Restaurant	C
Retail	
Service Station	
Storage Facility	
Theater	

- *P = Permitted*
- *C = Conditional*
- *No label = Not a Permitted Use*

### Area and Bulk Standards

<b>Density</b>	
Maximum Density (ERU)	16 per acre
Minimum Open Space	30%
<b>Frontage / Lot Size</b>	
Minimum Lot Size (single family)	6000 sqft
Minimum Lot Frontage (single family)	55'
Minimum Lot Width (single family)	200'
Maximum Lot Coverage (single family) (percentage)	60%
Minimum Lot Size (attached single family)	4000 sqft
Minimum Lot Frontage (attached single family)	30'



Minimum Lot Width (attached single family)	30'
Maximum Lot Coverage (attached single family percentage)	75%
<b>Building Setbacks</b>	
Minimum Front Setback from road edge	25'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	20'
Minimum Side Setback (for single-family units)	10'
Minimum Side Setback (for buildings with attached units)	Conditionally
Minimum Offsets (relative to roadway or neighboring Bldgs.)	15° or 5'
<b>Building</b>	
Maximum Building Height	35'
Maximum Units per Building	4
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	2
Minimum Garage Parking (residential: per unit)	2
Minimum Driveway Length	25'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	No



Conjoined Driveway Allowed (with adjacent property)	No
Maximum Driveways (per Frontage)	4
Permitted Driveway Materials	Concrete



Residential 20 (R20) Zoning District – Requested Zoning for 56 Acres of the Site

**Permitted Uses**

<b>Land Uses</b>	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	C
Cluster Development	C
Condominiums	C
Condominium Hotel	C
Multiple Family Unit	P
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	C
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	C
Community Center	C
Private Residence Clubs	P
Public Building	C



Public Services Facility	
School	C
Swimming Pool / Bath House	P
<b>Commercial</b>	
Big Box Retail	
Convenience Store (no drive-through support)	C
Day Care Centers	C
Equestrian Facilities	
Fitness / Wellness Center	P
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	P
Office	P
Personal Services	
Recreational Facilities	C



Restaurant (with Drive through support)	
Restaurant	C
Retail	C
Service Station	
Storage Facility	
Theater	

- *P = Permitted*
- *C = Conditional*
- *No label = Not a Permitted Use*

### Area and Bulk Standards

<b>Density</b>	
Maximum Unit Density (ERU)	20 per acre
Minimum Open Space	30%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	2 acres
Minimum Lot Frontage	300'
Minimum Lot Width	250'
Maximum Lot Coverage (percentage)	70%
<b>Setbacks</b>	
Minimum Front Setback from road edge	25'



Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	50'
Minimum Side Setback	50'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	15° or 5'
<b>Building</b>	
Maximum Building Height	50'
Maximum Units per Building	20
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq. ft)	2
Minimum Garage Parking (residential: per unit)	1.5
Minimum Driveway Length	n/a
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Yes
Conjoined Driveway Allowed (with adjacent property)	Yes
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Asphalt or Concrete



Neighborhood Mixed Use (NMU) Zoning District – Requested Zoning for 31 Acres of the Site

**Permitted Uses**

<b>Land Uses</b>	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	C
Cluster Development	
Condominiums	P
Condominium Hotel	C
Multiple Family Unit	P
Short-Term Rental (< 30 days)	C
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	C
Community Center	P
Private Residence Clubs	P
Public Building	C



Public Services Facility	C
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	C
Convenience Store (no drive-through support)	P
Day Care Centers	P
Equestrian Facilities	C
Fitness / Wellness Center	C
Gasoline, Retail	C
Golf Course and Related Services	
Grocery	P
Health Care Facility	
Hotel	P
Kiosks and Street Vendors	
Maintenance Facility	P
Meeting Facilities	P
Office	C
Personal Services	C
Recreational Facilities	C



Restaurant (with Drive through support)	C
Restaurant	P
Retail	C
Service Station	
Storage Facility	
Theater	C

- *P = Permitted*
- *C = Conditional*
- *No label = Not a Permitted Use*

### Area and Bulk Standards

<b>Density</b>	
Maximum Unit Density (ERU)	20
Minimum Open Space	20%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	.25 Acre
Minimum Lot Frontage	100'
Minimum Lot Width	100'
Minimum Lot Depth	100'
Maximum Lot Coverage (percentage)	70%
<b>Setbacks</b>	



Minimum Front Setback from right of way	0'
Maximum Front Setback from right of way	10'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	30'
Minimum Side Setback	30'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height (Commercial)	45'
Maximum Building Height (Residential)	40'
Maximum Building Height (Mixed Use)	52'
Maximum Units per Building	10
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq. ft)	2
Minimum Garage Parking (residential: per unit)	1.5
Minimum Driveway Length	n/a
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	Conditionally



Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Asphalt or Concrete

ORDINANCE #2021 – O-\_\_\_\_\_

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF HIDEOUT FOR PARCELS 00-0020-8181, 00-0020-8182, 00-0020-8184, AND 00-0020-8185 FROM MOUNTAIN (M) ZONE TO NEIGHBORHOOD MIXED USE (NMU), RESIDENTIAL 20 (R20), RESIDENTIAL 6 (R6) AND RESIDENTIAL 3 (R3)

WHEREAS, Developers of a proposed project called the Boulders which consist of parcels 00-0020-8181, 00-0020-8182, 00-0020-8184, and 00-0020-8185 who have a contract to buy the property has petitioned the Town of Hideout for approval of a zoning map amendment;

WHEREAS, Developers is proposing a project which will include a hotel, restaurants, a bed and breakfast, an amphitheater and other amenities along with residential development;

WHEREAS, there is a Development Agreement being proposed;

WHEREAS, the approval of this zone amendment is contingent on the conditions of the Development Agreement being met;

WHEREAS, the Hideout Planning Commission held public hearing on February 17, 2022, and forwarded a recommendation to the Town Council;

WHEREAS, zoning amendments must comply with the General Plan;

WHEREAS, the Hideout Town Council held public hearings and reviewed the Zoning Map Amendment on March 3, 2022, and March 10, 2022.

WHEREAS, there is good cause and it is in the best interest of the Town of Hideout, Utah to approve the Amendment to the Zoning Map

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH, THAT:

SECTION I: Adopted. The Official Zoning Map for the Town of Hideout, as depicted in Exhibit A, is here by adopted.

SECTION II: Effective Date. This Ordinance shall take only take effect in 12 months, on March 10, 2023 and all the conditions of the Development Agreement is met.

SECTION III: Possibility of Repeal. If the conditions of the Development Agreement are not met, this Ordinance shall be repealed.

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this \_\_\_\_ day of \_\_\_\_\_ in the year 2022.

TOWN OF HIDEOUT

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Phil Rubin, Mayor

ATTEST:

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Alicia Fairbourne, Town Clerk

**File Attachments for Item:**

4. Discussion and recommendation to Town Council regarding a Master Development Agreement (MDA) to Town Council regarding the Boulders at Hideout Development

WHEN RECORDED, MAIL TO:  
Town Recorder  
Town of Hideout  
10860 North Hideout Trail  
Hideout, UT 84036

**DEVELOPMENT AGREEMENT  
FOR THE BOULDERS MASTER PLANNED DEVELOPMENT (MPD),  
LOCATED AT 1220 EAST SR 248, HIDEOUT,  
WASATCH COUNTY, UTAH**

This Development Agreement (this “Agreement”) is entered into as of this \_\_\_\_ day of March, 2018, by and between MAC Development LLC, a Utah limited liability company (“Developer”), as the owner and developer of certain real property located in Hideout, Wasatch County, Utah, on which Developer proposes the development of a project known as the Boulders Master Planned Development, and the Town of Hideout, a Town and political subdivision of the State of Utah (“Hideout”), by and through its Town Council.

**R E C I T A L S**

A. Developer is the owner of a 112-acre parcel of real property located at 1220 East SR 248, Hideout, Wasatch County, Utah, the legal description of which is attached hereto as Exhibit A, and incorporated herein by this reference (the “Property”), for which the Developer has obtained Rezone , pursuant to Ordinance 2022-O- XX,as more fully described in and subject to the Findings of Fact, Conclusions of Law and Conditions of Approval within the Ordinance recommended by the Planning Commission on February 17, 2022, and adopted by the Town of Hideout Council, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference. Developer has also received Concept Plan approval as more fully described in Exhibit C (collectively referred to herein as the “Rezone Ordinance”).

B. Hideout and Developer agree that a development agreement is appropriate related to this Project and that this Development Agreement meets the requirements of the Hideout Municipal Code (“HMC”) Section 11.08.04 for all Development Agreements.

C. Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Hideout General Plan, and address other issues as more fully set forth below.

D. Hideout, acting pursuant to its authority under Utah Code Ann., Section 10-9a-101, et seq., and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

## TERMS AND DEFINITIONS

A. The capitalized terms used in this MDA and in these Recitals are defined in Section 1.2, below.

B. Developer owns and is developing the Property as a residential subdivision to be known and marketed as "The Boulders."

C. Developer and the Town desire that the Property be developed in a unified and consistent fashion that is generally reflected in the concept plan, and that has certain conditions which will be implemented in its Final Plan.

D. The Parties desire to enter into this MDA to specify the rights and responsibilities of the Developer to develop the Property as expressed in this MDA and the rights and responsibilities of the Town to allow and regulate such development pursuant to the requirements of this MDA.

E. The Parties understand and intend that this MDA is a "development agreement" within the meaning of, and entered into pursuant to the terms of Utah Code Ann. §10-9a-101 (2018) *et seq.*

F. The Property zoning designation is \_\_\_\_\_.

G. This MDA conforms with the intent of the Town's General Plan and the Zoning.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and Developer hereby agree to the following:

## TERMS

### 1. Incorporation of Recitals and Exhibits/ Definitions.

**1.1. Incorporation.** The foregoing Recitals and Exhibits "A" - "C" are hereby incorporated into this MDA.

**1.2. Definitions.** As used in this MDA, the words and phrases specified below shall have the following meanings:

1.2.1. **Act** means the Land Use, Development, and Management Act, Utah Code Ann.

§ 10-9a-101 (2018), *et seq.*

1.2.2. Addendum No. 1 means the attachment hereto that contain the terms of this MDA that are specific to the Project.

1.2.3. **Applicant** means a person or entity submitting a Development Application.

1.2.4. **Buildout** means the completion of all of the development on the entire Project

.

1.2.5. **Council** means the elected Town Council of the Town.

1.2.6. **Default** means a breach of this MDA as specified herein.

1.2.7. **Development** means the development of a portion of the Property pursuant to an approved Development Application.

1.2.8. **Development Application** means an application to the Town for development of a portion of the Project or any other permit, certificate or other authorization from the Town required for development of the Project.

1.2.9. **Final Plat** means the recordable map or other graphical representation of land prepared in accordance with Utah Code Ann.§ 10-9a-603 (2018), or any successor provision, and approved by the Town, effectuating a subdivision of any portion of the Project.

1.2.10. **Developer** means Sky Hawk LLC, and its successors in interest (except for purchasers of completed Residential Dwelling Units) or assignees as permitted by this MDA.

1.2.11. **Final Plan** means the conceptual layout for Residential Dwelling Units and Public Infrastructure for the Project approved by the Town Council, a copy of which is attached hereto as **Exhibit B.**

1.2.12. **Maximum Residential Units** means the development on the Property of

\_\_\_\_\_

1.2.13. **MDA** means this Master Development Agreement including all of its Exhibits and Addendum No. 1.

1.2.14. **Notice** means any notice to or from any Party to this MDA that is either required or permitted to be given to another party.

1.2.15. **Party/Parties** means, in the singular, Developer or the Town; in the plural Developer and the Town.

1.2.16. **Project** means the residential subdivision to be constructed on the Property pursuant to this MDA with the associated Public Infrastructure and private facilities, and all of the other aspects approved as part of this MDA.

1.2.17. **Property** means the real property owned by and to be developed by Developer more fully described in **Exhibit A**.

1.2.18. **Public Infrastructure** means those elements of infrastructure that are planned to be dedicated to the Town or other public entities as a condition of the approval of a Development Application.

1.2.19. **Residential Dwelling Unit** means a structure or portion thereof designed and intended for use as attached residences as illustrated on the Final Plan.

1.2.20. **Town** means The Town of Hideout, a political subdivision of the State of Utah.

1.2.21. **Town's Future Laws** means the ordinances, policies, standards, and procedures which may be in effect as of a particular time in the future when a Development Application is submitted for a part of the Project.

## **Laws**

### **2. Development of the Project.**

2.1. **Rezone ordinance contingent of the conditions of this development agreement being met.** If any of the conditions of this Development Agreement isn't met by February 17, 2023, then the Rezone ordinance will not be effective and shall be repealed.

2.2. **Compliance with the Final Plan and this MDA.** Development of the Project shall

be in accordance with the Town's Laws(Laws), the Final Plan and this MDA.

**2.3. Maximum Residential Units.** At Buildout of the Project, Developer shall be entitled to have developed the Maximum Residential Units, as specified in this MDA, of the type and in the general location as shown on the Final Plan

**2.4. Limitation and No Guarantee.** Developer acknowledges that the development of the Maximum Residential Units and every other aspect of the Final Plan requires that each Development Application comply with the Town's Laws and this MDA. **This MDA does not guarantee that the Developer will be able to construct the Maximum Residential Units or any other aspect of the Project, and Developer bears the obligation of complying with all the applicable requirements of the Town's Laws.**

**2.5. Sale of Residential Units.** No parcel or Residential Dwelling Unit shall be sold except as shown on a Final Plat for the portion of the Property in which residential parcel is located.

**2.6. A preliminary plat consistent with the concept plan must be submitted and approved by XX**

**2.7. A final plat consistent with the concept plan must be submitted and approved by XX**

2.8. A phasing plan must be submitted by XX

2.9. Roads shall remain private and Developer will be responsible for their maintenance and clearance.

2.10. \$X will be contributed to the Town to be used for an underpass under 248

2.11. An x acre parcel will be dedicated to the Town for the town to use as a community center.

3. **Vested Rights.**

3.1. **Vested Rights Granted by Approval of this MDA.** To the maximum extent permissible under the laws of Utah and the United States and at equity, the Parties intend that this MDA grants to Developer all rights to develop the Project in fulfillment of this MDA, the Town's Laws, the zoning of the Property, and the Final Plan except as specifically provided herein. The Parties specifically intend that this MDA grant to Developer the "vested rights" identified herein as that term is construed in Utah's common law and pursuant to Utah Code Ann. § 10-9a-509 (2018). The Town's laws at the time of application shall apply.

4. **Term of Agreement.** Unless earlier terminated as provided for herein, the term of this MDA shall be until December 31, 2030. If Developer has not been declared to be currently in Default as of December 31, 2030 (and if any such Default is not being cured) then this MDA shall be automatically extended until January 31, 2032. This MDA shall also terminate automatically at Buildout. Notwithstanding the foregoing, however, the maintenance obligations of the Association shall survive termination of this Agreement and continue in perpetuity.

5. **Processing of Development Applications.** The procedure for processing Development Applications shall in accordance with the procedural provisions of the Town's Future Laws. Notwithstanding the forgoing, Developer's vested rights, as provided for in **Section 3.1** of this MDA. If the Town denies a Development Application the Town shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons the Town believes that the Development Application is not consistent with this MDA, the

Zoning and/or the Town's Laws (or, if applicable, the Town's Future Laws).

6. **Addendum No.1.** Addendum No. 1 contains terms, conditions, and provisions that are specific to the development of the Project. This MDA and Addendum No. 1, read as a whole, set forth the parties' rights, responsibilities and liabilities with respect to the transactions contemplated by this MDA. In this MDA and Addendum No. 1, and as between them, specific provisions prevail over general provisions. In the event of a conflict between this MDA and Addendum No. I, Addendum No. 1 shall control.

7. **Public Infrastructure.**

7.1. **Construction by Developer.** Developer, at Developer's cost and expense, shall have the right and the obligation to construct or cause to be constructed and install all Public Infrastructure reasonably and lawfully required as a condition of approval of a Development Application pursuant to the Town's Laws. Such construction must meet all applicable standards and requirements and must be approved by the Town's engineer, or his designee.

7.2. **Bonding.** In connection with any Development Application, Developer shall provide bonds or other development security, including warranty bonds, to the extent required by the Town's Laws, unless otherwise provided by Utah Code § 10-9a-101, et seq., as amended. The Applicant shall provide such bonds or security in a form acceptable to the Town or as specified in the Town's Laws. Partial releases of any

such required security shall be made as work progresses based on the Town's Laws.

## **10. Default.**

**10.1. Notice.** If Developer or the Town fails to perform their respective obligations hereunder or to comply with the terms hereof, the Party believing that a Default has occurred shall provide Notice to the other Party.

**10.2. Contents of the Notice of Default.** The Notice of Default shall:

10.2.1. Specific Claim. Specify the claimed event of Default;

10.2.2. Applicable Provisions. Identify with particularity the provisions of any applicable law, rule, regulation or provision of this MDA that is claimed to be in Default; and

10.2.3. Optional Cure. If the Town chooses, in its discretion, it may propose a

method and time for curing the Default which shall be of no less than thirty (30) days

duration.

10.3. **Mediation.** Upon the issuance of a Notice of Default the parties may engage in a mediation or other dispute resolution process. Neither side shall be obligated to mediate if doing so would delay or otherwise prejudice any remedy available at law.

10.4. **Remedies.** Upon the occurrence of any Default, and after notice as required above, then the parties may have the following remedies:

10.4.1. Law and Equity. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief and/or specific performance.

10.4.2. Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

10.4.3. Future Approvals. The right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Developer until the Default has been cured.

10.5. **Public Meeting.** Before any remedy in Section 10.4.3 may be imposed by the Town the party allegedly in Default shall be afforded the right to attend a public meeting before the Town Council and address the Town Council regarding the claimed Default.

10.6. **Default of Assignee.** A default of any obligations expressly assumed by an assignee shall not be deemed a default of Developer.

10.7. **Limitation on Recovery for Default- No Damages against the Town.** Anything in this MDA notwithstanding Developer shall not be entitled to any claim for any monetary damages as a result of any breach of this MDA and Developer waives any claims thereto. The sole remedy available to Developer and any assignee shall be that of specific performance.

11. **Notices.** All notices required or permitted under this MDA shall, in addition to any other means of transmission, be given in writing by certified mail and regular mail to the following address:

**To the Developer:**

**INSERT ADDRESS**

**To the Town:**

The Town of Hideout  
Attn: Town Clerk  
10860 N. Hideout Trail  
Hideout, Utah 84036

12. **Headings.** The captions used in this MDA are for convenience only and are not intended to be substantive provisions or evidences of intent.

13. **No Third-Party Rights/No Joint Venture.** This MDA does not create a joint venture relationship, partnership or agency relationship between the Town, or Developer. Further, except as specifically set forth herein, the parties do not intend this MDA to create any third-party beneficiary rights.

14. **Assignability.** The rights and responsibilities of Developer under this MDA shall run with the land and be binding on Developer and Developer's successors in interest (except for purchasers of completed Residential Dwelling Units). However, Developer may assign its obligations hereunder, in whole or in part, to other parties with the consent of the Town as provided herein.

14.1. **Sale of Lots.** Developer's selling or conveying lots to residential purchasers shall

not be deemed to be an "assignment" subject to the above-referenced approval by the Town unless specifically designated as such an assignment by Developer and approved by the Town.

14.2. **INCLUDE ANYTHING ABOUT SHORT TERM RENTALS?**

14.3. **Notice.** Developer shall give Notice to the Town of any proposed assignment and provide such information regarding the proposed assignee that the Town may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the Town with all necessary contact information for the proposed assignee.

14.4. **Partial Assignment.** If any proposed assignment is for less than all of Developer's rights and responsibilities then the assignee shall be responsible for the performance of each of the obligations contained in this MDA to which the assignee succeeds.

14.5. **Assignees and Successors in Interest Bound by MDA.** Developer's successors in interest as holders of title to the Property (except purchasers of completed Residential Dwelling Units) and assignees shall be bound by the terms of this MDA.

15. **No Waiver.** Failure of any Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

16. **Severability.** If any provision of this MDA is held by a court of competent jurisdiction to be invalid for any reason, the Parties consider and intend that this MDA shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this MDA shall remain in full force and affect.

17. **Force Ma jeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials,

equipment or reasonable substitutes therefor; acts of nature, governmental restrictions,

regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the Party obligated to perform hereunder shall excuse performance of the obligation by that Party for a period equal to the duration of that prevention, delay or stoppage.

18. **Time is of the Essence.** Time is of the essence to this MDA and every right or responsibility shall be performed within the times specified.

19. **Appointment of Representatives.** To further the commitment of the Parties to cooperate in the implementation of this MDA, the Town and Developer each shall designate and appoint a representative to act as a liaison between the Town and its various departments and the Developer. The initial representative for the Town shall be the Town Manager. The initial representative for Developer shall be Chris Ensign. The Parties may change their designated representatives by Notice. The representatives shall be available at all reasonable times to discuss and review the performance of the Parties to this MDA and the development of the Project.

20. **Applicable Law.** This MDA is entered into in Wasatch County in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.

21. **Venue.** Any action to enforce this MDA shall be brought only in the Fourth District Court for the State of Utah.

22. **Entire Agreement.** This MDA, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein

or by a subsequent written amendment signed by all Parties.

23. **Mutual Drafting.** Each Party has participated in negotiating and drafting this MDA and

therefore no provision of this MDA shall be construed for or against any Party based on which Party drafted any particular portion of this MDA.

24. **Recordation and Running with the Land.** This MDA shall be recorded in the chain of title for the Project.

25. **Authority.** The Parties to this MDA each warrant that they have all of the necessary authority to execute this MDA. Specifically, on behalf of the Town, the signature of the Mayor of the Town is affixed to this MDA lawfully binding the Town pursuant to Resolution No. \_\_\_\_\_ adopted by the Town on \_\_\_\_\_, 2022.

## **PROPERTY DETAILS**

Now, therefore, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Hideout hereby agree as follows:

### **1. Property:**

The Boulders Master Planned Development Property is a 112-acre parcel of real property located along SR 248, at 1220 East SR 248, Hideout, Wasatch County, Utah. The property includes \_\_\_\_\_ acres. The property was zoned Mountain (M) prior to \_\_\_\_\_ when it was rezoned to \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ for the proposed Boulders Master Planned Development.

### **2. Project Conditions:**

2.1. As required by Conditions of Approval number \_\_\_\_\_ on page \_\_\_\_\_ of the MPD Plans, a trails master plan (the “Parks, Trails & Open Space Master Plan”) that has been approved

by Developer and the Town of Hideout's Parks, Open Space & Trails (POST) Committee is attached hereto as **Exhibit D** and is incorporated herein by this reference.

2.2. TBD

2.3. TBD

2.4. Developer and its successors agree to pay the then current impact fees imposed and as uniformly established by the Hideout Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future.

2.5. Developer and any successors agree that the following are required to be entered into and approved by Hideout prior to the issuance of any building permits for the Project: (a) a construction mitigation plan, (b) utility plans, (c) a storm water run-off and drainage plan, (d) an affordable housing plan, and (e) a water efficient landscape and irrigation plan showing storm water facilities and snow storage areas.

2.6. Developer shall be responsible for compliance with all requirements and conditions of the Jordanelle Special Services District (JSSD) prior to the issuance of any building permits for the Project.

2.7. Developer is responsible for compliance with all local, state, and federal regulations regarding contaminated soils as well as streams and wetlands. Developer is responsible for receiving any Army Corp of Engineer Permits required related to disturbance of streams and wetlands.

**3. Phasing and Form of Ownership.**

3.1. Project Phasing. The Project may be developed in five (5) phases.

3.2. Form of Ownership Anticipated for the Project. The Project will consist of up to \_\_\_\_\_ HOW MUCH SF, HOW MANY HOTEL ROOMS, HOW MANY BNB ROOMS, INCLUDE A MINIMUM AMOUNT OF COM SF, ETC. Who will own?

**4. Water.**

Developer acknowledges that water development fees will be collected by Hideout in the same manner and in the same comparative amounts as with other developments within the municipal boundaries and that impact fees so collected will not be refunded to Developer or to individual building permit applicants developing within the Project.

Developer must provide proof of ownership of sufficient water rights prior to approval of the preliminary plat.

**5. Affordable Housing.**

As required by the Conditions of Approval number \_\_\_\_\_ on page \_\_\_\_\_ of the MPD Plans, an Affordable Housing Plan for the Project shall be approved by the Hideout Town Council prior to the issuance of any building permits for units within the Project, and deed restrictions pertaining to the Affordable Housing Plan shall be recorded.

**6. WHAT WHAT DO WE WANT TO EMPHASIZE HERE?.**

There are no known mining issues, soils or subsidence issues, etc.????

## **7. General Terms and Conditions.**

7.1. Term of Agreement. Construction, as defined by the Uniform Building Code, is required to commence within one (1) year of the date of execution of this Agreement. After construction commences, the Boulders Master Planned Development and this Agreement shall continue in force and effect until all obligations hereto have been satisfied. The MPD approval, as set forth in the MPD Plans, shall remain valid so long as construction is proceeding in accordance with the approved phasing plan set forth herein.

7.2. Agreement to Run With the Land. This Agreement shall be recorded against the Property, as described in Exhibit A attached hereto, and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

7.3. No Joint Venture, Partnership or Third Party Rights. This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

7.4. Integration. This Agreement contains the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

7.5. Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision

determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

7.6. Attorneys' Fees. If this Agreement or any of the Exhibits hereto are breached, the party at fault agrees to pay the attorneys' fees and all costs of enforcement of the non-breaching party.

7.7. Minor Administrative Modification. Minor administrative modification may occur to the MPD Plans and this approval without revision of this Agreement.

**8. Notices.**

All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developer:

Skyhawk Development, LLC  
11275 North Normandy Way  
Highland, UT 840\_\_  
Attn: Jan McCosh

To Hideout:

Town of Hideout  
10860 Hideout Trail  
Hideout, UT 84036  
Attn: Jan McCosh

Such communication may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

**9. List of Exhibits.**

Exhibit A – Legal Description of the Property

Exhibit B – MPD Plans approved by the Planning Commission on February 17, 2022

Exhibit C – Open Space Use Plan

Exhibit D – Parks, Open Space & Trails Master Plan

Addendum 1 - Specific Project Terms

**IN WITNESS WHEREOF**, this Agreement has been executed by the Developer by persons duly authorized to execute the same and by the Town of Hideout, acting by and through its Town Council as of the \_\_\_\_ day of \_\_\_\_\_, 2022.

**TOWN OF HIDEOUT**

By: \_\_\_\_\_  
Philip Rubin, Mayor

ATTEST:

By: \_\_\_\_\_  
Alicia Fairbourne, Town Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Polly McLean, Town Attorney

**DEVELOPER:**

**Skyhawk Development, LLC**  
a Utah limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**STATE OF UTAH**                    )  
  : ss  
**COUNTY OF WASATCH**        )

On this \_\_\_\_ day of \_\_\_\_\_, 2022, personally appeared before me \_\_\_\_\_, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he is a member/manager of Skyhawk Development, LLC, a Utah limited liability company.

\_\_\_\_\_  
Notary Public



**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

**THE BOULDERS DEVELOPMENT**

BEGINNING AT THE \_\_\_\_\_ TO \_\_\_\_\_, \_\_\_\_\_ FEET TO THE  
POINT OF BEGINNING.

CONTAINS: \_\_\_\_\_ SQUARE FEET (\_\_\_\_\_ ACRES) MORE OR LESS

**EXHIBIT B**  
**COPY OF THE CONCEPT PLAN**

**EXHIBIT \_\_\_\_\_**

**COPY OF RESOLUTION (OR LETTER)**

**EXHIBIT C**

**COPY OF THE OPEN SPACE USE PLAN**



**EXHIBIT D**

**COPY OF THE PARKS, OPEN SPACE & TRAILS MASTER PLAN**

**SAMPLE TRAILS EXHIBIT**