



HIDEOUT, UTAH PLANNING COMMISSION REGULAR MEETING

April 15, 2021

Amended Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Hideout, Utah will hold its regularly scheduled meeting electronically for the purposes and at the times as described below on Thursday, April 15, 2021

This meeting will be an electronic meeting without an anchor location pursuant to Planning Commission Chair Anthony Matyszczyk April 6, 2021 determination letter (attached)

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/>

Regular Meeting

6:00 PM

- I. Call to Order and Reading of Chair Matyszczyk's No Anchor Site Determination Letter
 1. [April 6, 2021 No Anchor Site Determination Letter](#)
- II. Roll Call
- III. Approval of Meeting Minutes
 1. [March 18, 2021 Planning Commission Minutes DRAFT](#)
- IV. Agenda Items
 1. Deer Springs (Phase 2, 3, & 4) – Work Session Discussion
 2. [Shoreline Phase 2 Amended and Phase 3: Consider Final Subdivision Approval](#)
- V. Meeting Adjournment

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

File Attachments for Item:

1. April 6, 2021 No Anchor Site Determination Letter



April 6, 2021

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(4) and Hideout Town Ordinance 2020-03. The facts upon which this determination is based include: The percent and number of positive COVID-19 cases in Utah has been over 7.22% of those tested since April 1, 2021. The seven-day average of positive cases has been over 400 since April 6, 2021.

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: 435 659 4739

This determination will expire in 30 days on May 6, 2021.

BY:

Tony Matyszczyk,
Planning Commission Chair

ATTEST:

Kathleen Hopkins, Deputy Town Clerk



File Attachments for Item:

1. March 18, 2021 Planning Commission Minutes DRAFT

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Minutes
Town of Hideout
Planning Commission Public Hearing and Regular Meeting
March 18, 2021
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Public Hearing and Regular Meeting on March 18, 2021 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

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

Chair Matyszczyk called the meeting to order at 6:04 PM and read the no anchor site determination letter in its entirety. All attendees were present electronically.

II. Roll Call

PRESENT: Chair Tony Matyszczyk
Commissioner Ryan Sapp
Commissioner Glynnis Tihansky
Commissioner Donna Turner (arrived at approximately 7:00 PM)
Commissioner Bruce Woelfle
Commissioner Rachel Cooper (alternate)

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

OTHERS IN ATTENDANCE: Nate Brockbank, Glen Gabler, Chris Ensign, Wade Budge, Kurt Shadle, Frank Pizz, Tom Sly, Dale Aychman, Grant Petersen, Carol Haselton, Abbi Kau, Dillon Bliler, Greg Faulconer, Brian Cooper, Gregg Straus, Bob Nadelberg, Peter Harrison, Mary Freeman, Carol Tomas, Jared Fields, Scott DuBois, Craig Jensen, Meryl Sonon, JP Gorell, Jack Walkenhorst, Carolyn Davis, Rae Sapienza, Sheri Jacobs, Liz Masciopinto, Martina Nelson, Vivian Gayol, Mike Selman, Mark Rubin and others who may not have signed in using proper names via Zoom.

III. Approval of Meeting Minutes

There were no comments on the minutes of the February 18, 2021 Planning Commission meeting.

Motion: Commissioner Tihansky made the motion to approve the February 18, 2021 Planning Commission Minutes. Commissioner Cooper made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Sapp, Tihansky, and Woelfle. Voting Nay: None. The motion carried.

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IV. Agenda Items

1. KLAIM: Update regarding retaining walls (proposed changes from original approval)

Mr. Thomas Eddington, Town Planner provided background on the retaining walls under construction in the KLAIM subdivision which deviated from the plans originally approved by the Planning Commission. The Town Engineer issued a stop work order on the wall construction when it was identified to be out of conformance with the approved design, and the Planning Commission was being asked to consider approval of the new design. Mr. Ryan Taylor, Town Engineer reported the altered design was structurally sound.

Commissioner Bruce Woelfle noted the altered wall design was completely different than other retaining wall designs throughout the town and asked if there was a plan to add a stone facade to make the walls look more like the initially approved design. He also shared his concerns with the developer’s decision to commence construction without obtaining the proper approvals. Mr. Taylor noted the developer may have been following procedures for making changes in the field which the previous town administration had permitted. Mr. Eddington added he was awaiting a final landscape design plan from the developer which he expected would include appropriate plantings to enhance the appearance of these retaining walls.

Commissioner Glynnis Tihansky asked if this approval could be postponed until a final landscape plan was reviewed. Chair Matyszczyk responded yes, that would be appropriate.

Commissioner Woelfle asked if the design modification was intended as a cost cutting measure. Mr. Taylor responded no, the developer had stated the change was made to enhance the aesthetics and better tie-in the wall design with the architecture of the development.

Commissioner Ryan Sapp asked about the life expectancy of the proposed walls. Mr. Taylor responded probably 50-100 years, depending on soil and environmental conditions.

Commissioner Woelfle noted his concerns with relying on any landscaping to mask the design and asked who would be responsible for ongoing maintenance of the landscaping. He also noted the proposed walls did not conform with the overall design depicted in the marketing materials for the development. In response to his question regarding potential addition of a stone front to this design, Mr. Taylor stated it may not be a viable solution, as the design did not seem to incorporate any sort of stone facade.

Commissioners Tihansky and Sapp noted this design was in use in other areas including a school and the Colony development in Park City. Discussion ensued regarding the possibility of approval of this design for the walls which were started and moving to the previously approved design for remaining walls. Mr. Eddington agreed to discuss this with the developer in addition to the landscaping design proposal.

Commissioner Sapp asked if the delay in obtaining approval to complete the walls would adversely affect the developer's ability to continue construction and to sell units. Mr. Taylor responded the necessary state approvals had been obtained. Chair Matyszczyk responded the developer was responsible for any delays as he had commenced this construction without obtaining the proper approvals. Town Attorney Polly McLean asked if the completion of

1 retaining walls was required to obtain the final plat. Mr. Taylor responded it was included in
2 the bond posted, but before the overall project was completed and accepted, some form of
3 wall would need to be completed.

4 Mr. Chris Ensign, developer of the KLAIM project, addressed the Commission and stated
5 the changes were made to enhance the appearance of the development and to differentiate
6 the design from other communities in Hideout. He noted the altered retaining walls were
7 actually more expensive to build than the originally approved design but he thought it was a
8 better look than the stacked boulder walls typical to other developments. He stated he would
9 comply with the Commission's decision on the wall design and would submit the requested
10 detailed landscape plans in advance of the next Planning Commission meeting. Discussion
11 ensued regarding the photographs and dimensions of the proposed wall design which Mr.
12 Ensign noted included the same stone used in the building construction. Mr. Ensign also
13 stated the completion of these retaining walls would not impact his ability to complete sales
14 of the units.

15 Chair Matyszczyk asked for a motion to postpone any approval of the revised retaining wall
16 design until the Commission had the opportunity to review the final landscaping plans.

17 *Motion: Commissioner Woelfle made the motion to table the approval of a revised*
18 *retaining wall design for the KLAIM development. Commissioner Tihansky made the*
19 *second. Voting Aye: Commissioners Cooper, Matyszczyk, Sapp, Tihansky, and Woelfle.*
20 *Voting Nay: None. The motion carried.*

21 Mr. Ensign was excused and left the meeting at 6:45 PM.

22

23 **V. Public Hearings**

24 **1. Public Hearing for Deer Waters Phases 3 and 4 Final Subdivision**

25 At Chair Matyszczyk's request, Mr. Eddington provided background on this matter and noted
26 Phases 3 and 4 of this development were originally approved as one Phase (Phase 3) and the
27 approval expired prior to requalification. He noted the unit count of the proposed project was a bit
28 lower than had been originally approved, to now consist of 22 units each in Phases 3 and 4, and to
29 be located on ten acres (approximately five acres for each Phase).

30 Mr. Eddington referred to the Staff Review Report provided to the Commission which discussed
31 several improvements to the plan and his recommended conditions of approval. Mr. Eddington
32 noted the inclusion of a park and playground area in this Phase, and discussed the outstanding items
33 which included retaining wall design, landscape plans, and timing for park and trail construction.
34 Mr. Taylor confirmed he was comfortable with the proposed street widths in the plan. In response
35 to a question from Chair Matyszczyk regarding the amenities to be included in the park, Mr. Nate
36 Brockbank, developer, responded the plan included two pickleball courts, a playground, picnic
37 tables and trails and noted the park would be open to the entire Hideout community.

38 The Commissioners asked several questions including location of parking within the development,
39 whether a fence would be constructed around the pickleball courts, location and types of sidewalks,
40 landscaping and types of shade trees proposed and location of trails. Mr. Brockbank noted all the
41 homes would have two car garages and two parking spaces in each driveway.

42 In response to a question from Commissioner Sapp, Mr. Brockbank clarified he was the developer
43 of the project, in partnership with the builder Holmes Homes.

1 Mr. Brockbank noted the development agreement approved 112 lots, but the revised design had
2 reduced the number to 102 lots. He also stated the new design alternated the building types to avoid
3 a rowhouse appearance.

4 Mr. Brockbank discussed the status of roads within these phases and noted Shoreline Road was
5 already completed. He added the Phase 3 road was almost done, and he would break ground on
6 the bottom road upon approval. He also stated all the lots that were ready had been sold. Mr.
7 Brockbank added he would also commence building Lakeview Estates this year. Lakeview Estates
8 and Deer Springs also would have parks built next year.

9 Discussion ensued regarding the landscape plan, picnic tables, benches, trash cans, grilling
10 facilities, water fountains. It was noted the Homeowner's Association (HOA) would be responsible
11 for maintaining trash cans and it was determined there would be no grilling facilities included in
12 the plan. Mr. Brockbank noted no bathroom facilities were included in the proposal, and was he
13 was open to including water lines for drinking fountains.

14 There being no further questions from the Planning Commission, Chair Matyszczyk opened the
15 floor to public comment at 7:20 PM.

16 Mr. Kurt Shadle, Hideout resident, stated he was a Town Council member when this development
17 was initially negotiated and vouched for Mr. Brockbank's good work. He suggested adding drip
18 irrigation in the park to help with landscaping success. Mr. Brockbank agreed to this.

19 Ms. Meryl Sonon, resident of Jeremy Ranch asked about pricing in Lakeview Estates. Chair
20 Matyszczyk responded the discussion was open to the Deer Waters development only.

21 There being no further comments from the public, the Public Hearing for Deer Waters closed at
22 7:24 PM.

23 In response to Mr. Eddington's question regarding the expected timeline for the park construction,
24 Mr. Brockbank responded he expected to begin this construction in July or August of 2021, once
25 the necessary infrastructure construction was completed.

26 Mr. Brockbank agreed to include four to six additional parking spaces near the park, bike racks,
27 benches near the pickleball courts, fences around the pickleball courts, and water lines for drinking
28 fountains and drip irrigation.

29 ***Motion: Commissioner Tihansky made the motion to approve the Deer Waters Phase 3 and 4***
30 ***subdivision, subject to the developer meeting the conditions outlined in Mr. Eddington's Staff***
31 ***Review report which would also include the addition of four to six additional parking stalls near***
32 ***the park, approval of the final landscape plan, the addition of bike racks and benches in the***
33 ***park, inclusion of fencing around the pickleball courts and water lines for drinking fountains***
34 ***and drip irrigation in the park. Commissioner Woelfle made the second. Voting Aye:***
35 ***Commissioners Matyszczyk, Sapp, Tihansky, Turner and Woelfle. Voting Nay: None. The***
36 ***motion carried.***

37

38 **2. Public Hearing for Shoreline Phase 2 (amended) and Phase 3 of the Shoreline Subdivision**

39 **(continued from February 18, 2021 meeting)**

40 Chair Matyszczyk stated the discussions and public comment sessions would be separate for the
41 two Shoreline Phases under consideration. He stated the public comments would be limited to
42 these two items only, and any specific Shoreline homeowner issues should be discussed directly
43 with the developer and/or the HOA.

1 Mr. Eddington provided an overview of the amended Shoreline Phase 2 application. He noted the
2 proposed development consisted of 46 lots on 9.5 acres. He noted several terms of the Master
3 Development Agreement (MDA) and Master HOA which were under review, including
4 compliance with the 25% open space requirements. In response to a question from Chair
5 Matyszczyk regarding the status of a secondary access road, Mr. Taylor noted this was a condition
6 discussed in his report to the Commission and was tied in with the construction schedule for
7 Lakeview Estates. Mr. Taylor stated the secondary access road for Shoreline Phase 2 was expected
8 to be shared with Lakeview Estates, but it was not certain whether Lakeview Estates construction
9 would commence this year which left an open question regarding the status of such access for
10 Shoreline Phase 2.

11 Mr. Eddington noted the developer was requesting an exemption to allow for 23-foot road widths
12 versus the current town ordinance requiring 26-foot widths. He stated the development was
13 originally approved by the Planning Commission and Town Council in 2016 as preliminary and
14 the Commission was being asked to consider a final approval of the plan.

15 Mr. Eddington discussed trail connectivity, density allotment and open space. He noted he was still
16 working with the developer to understand the calculations for open space which were described in
17 the Master Development Agreement with Mustang, LLC. He hoped to have this analysis completed
18 before the next Planning Commission meeting. He noted there were outstanding questions on the
19 scale of the proposed retaining walls, the impact of steep slopes and a final landscape plan.

20 Mr. Glen Gabler, developer of the Shoreline project, addressed the Commission. He discussed the
21 amended Phase 2 proposal which reduced the number of lots, eliminated 4-plex units and modified
22 the driveway design along a new road. He noted the architectural style of the development would
23 be comparable to Shoreline Phase 2.

24 Commissioner Woelfle asked about setbacks. Mr. Gabler responded the driveway sides would be
25 a minimum of 20 feet minimum with more along the back sides of the lots.

26 Commissioner Tihansky asked about road widths and sidewalks. Mr. Gabler responded Phase 2
27 road widths were previously approved for 23-feet, and Phase 3 was proposed for 26-feet which was
28 wider than the original approval and comparable to the roads in Deer Waters. Chair Matyszczyk
29 asked about secondary road access and the status of Fire Marshall approval of the design. Mr.
30 Wade Budge, attorney for the Shoreline development, responded discussions with the Fire Marshall
31 were ongoing and he was confident they would be able to satisfy all safety requirements. He added
32 they were seeking input on the proposed design at this meeting and would be ready to submit their
33 final proposal at the next Planning Commission meeting. Mr. Gabler discussed the location of a
34 temporary access road which would be discussed with the Fire Marshall.

35 Mr. Gabler discussed the proposed retaining walls and noted the plans were under review by the
36 Town Engineer. He stated he had also submitted his geo-tech engineering report on design and
37 inspection criteria. Regarding the slope stability concerns which Mr. Eddington discussed, Mr.
38 Gabler referred to a recent submission of updated civil engineering plans which should address
39 those issues. He also reported updated landscape design plans were recently submitted for review.

40 In response to a question from Chair Matyszczyk regarding the status of an aspen grove, Mr.
41 Eddington noted it was still there and he would inspect to confirm it was still close to the plan. Mr.
42 Gabler stated none of the aspen trees had been removed.

43 Commissioner Tihansky stated Phase 2 was fairly well-designed, with nice open spaces and
44 sufficient space between the rows of buildings. She noted her concerns with this amendment to
45 Phase 2 and Phase 3 which appeared to be very closely situated with a resulting rowhouse
46 appearance. Mr. Taylor noted the Phase 3 amendment changed the fronting of the units which really

1 connected it with Phase 2. He suggested the Phase 2 amendment be changed to become part of
2 Phase 3 given their similarities. Mr. Gabler agreed to do this if the HOA would approve the change.

3 Commissioner Rachel Cooper asked about guest parking spots. Discussion ensued and Mr. Gabler
4 agreed to add a number of additional visitor spots.

5 Commissioner Donna Turner asked whether there could be any single-family homes included in
6 the proposed development. Mr. Gabler responded these homes would most likely be part of Phases
7 4 through 9.

8 Commissioner Woelfle asked about open space, trails, and parks in the overall Shoreline
9 development. Mr. Gabler stated the park in Phase 2, trails and benches would be completed this
10 summer. Mr. Gabler also noted the trail system would connect to other trails. Mr. Eddington noted
11 there was not a large open space area and referenced the very broad definition and calculation of
12 open space in the MDA which did not require contiguous open space in the design.

13 Chair Matyszczyk asked about various amenities described in the plat approval and preliminary
14 MDA which did not appear to be included in the proposal. Mr. Gabler responded the planned
15 clubhouse with community pool and other amenities was approved in 2016 and would probably be
16 constructed during Phase 4 development upon completion of the necessary infrastructure.

17 Commissioner Cooper asked about the compaction of fill dirt recently moved to this area. Mr.
18 Gabler responded ongoing compaction had been conducted and independent geo-tech reports had
19 been provided to the Town Engineer.

20 Commissioner Turner asked about the changes in building layout, the number of proposed units
21 and what the variability of the facades would be to break up the rowhouse appearance. Mr. Gabler
22 noted there were two different building types with changing elevations, different color palettes and
23 varying amounts of stone, stucco, and wood on the exteriors. Mr. Eddington noted this monotony
24 was one of the concerns noted in his report which did not meet the current town code.

25 There being no further questions from the Planning Commissioners, Chair Matyszczyk opened the
26 meeting to public comment at 8:17 PM.

27 Mr. Bob Nadelberg, member of the Hideout Town Council, asked about the status of a large dirt
28 pile visible from his home and which appeared to be in violation of HOA guidelines. Mr. Gabler
29 responded this was stockpiled topsoil and fill material which would be moved over the summer to
30 a location in the Phase 4 area.

31 Mr. Kurt Shadle stated the Shoreline development had been approved by a previous town
32 administration in a non-arm's length manner, with the result being a highly dense, unvaried layout
33 lacking sufficient open space. He noted the view of the community from SR 40 showed a tightly
34 packed design of row houses which he hoped would not be repeated in the upcoming phases of
35 development. He added this development design would be cited as a future case study in poor town
36 planning and he urged the developer GCD to reexamine its proposal to deliver a better design plan.

37 Mr. Tom Sly, Hideout resident, concurred with Mr. Shadle's comments and shared his concerns
38 that Shoreline would look like a public housing development.

39 There being no further public comments, the Public Hearing on the Shoreline Phase 2 amendment
40 closed at 8:26 PM.

41 The discussion moved on to the Shoreline Phase 3 proposal. Mr. Eddington referred to the
42 comments included in his report, many of which were similar to the concerns previously noted
43 regarding the Phase 2 amendment. Mr. Gabler discussed the proposed design which consisted of
44 47 mostly duplex units to be built on 9.3 acres. He highlighted new roads which complied with the
45 town's 26-foot widths. He noted the landscape plans had been submitted, the architectural plans

1 were under review by the Design Review Committee and the civil drawings were submitted to the
2 Town Engineer.

3 Chair Matyszczyk noted the same questions regarding the secondary access road as previously
4 discussed regarding the amended Phase 2 proposal. Mr. Gabler noted the location for a potential
5 temporary road within Phase 3; Mr. Budge added the discussions with the Fire Marshall were
6 ongoing and they would report back on the results of this discussion.

7 Commissioner Woelfle asked if there would be both uphill and downhill facing models in the
8 development. Mr. Gabler responded the proposal represented mostly downhill oriented buildings
9 with similar style architecture and with varying elevations.

10 In response to a question from Commissioner Woelfle regarding setbacks, Mr. Gabler noted the
11 driveways would be staggered to break up the building layouts.

12 Mr. Eddington noted comments from his report regarding the trail plan which differed from the
13 initial approval. Mr. Gabler provided an overview of the trail plan which would connect with the
14 surrounding trail system and which he anticipated constructing this summer.

15 In response to a question from Commissioner Tihansky regarding the feasibility of mixing in some
16 duplex units with the proposed 4-plex units to break up the layout and preserve neighboring views,
17 Mr. Gabler noted the design had been made to maximize the views for the proposed units.

18 In response to a question from Commissioner Cooper regarding the landscape plan, Mr. Gabler
19 noted there would be landscaping around each building and pocket areas as well as at the entrances
20 and along roads. Mr. Eddington asked for the final landscape design to take into consideration
21 potential slope erosion.

22 In response to comments from Commissioners Tihansky, Turner and Woelfle regarding the dense,
23 rowhouse appearance of the plan, Mr. Budge responded the density had previously been approved
24 and they were following the terms of the MDA. Mr. Budge added they evaluate the comments
25 received and make changes where appropriate, but generally did not see any examples where they
26 were not in conformance with the guidelines and restrictions of the MDA.

27 Commissioner Cooper asked if there would be a new mailbox location for this new phase of the
28 development, and if so, where would it be located. Mr. Gabler stated the decision for additional
29 mailbox locations was up to the postmaster.

30 Mr. Eddington asked about heights for retaining walls in the plan. Mr. Gabler replied a geo-tech
31 report was recently sent to Mr. Taylor with those details. He added he may be able to eliminate
32 some retaining walls depending on the adjacent development of Deer Waters and Lakeview Estates.

33 There being no further questions from the Planning Commission on the Shoreline Phase 3 proposal,
34 the meeting opened for public comment at 8:44 PM.

35 Mr. Dale Aychman, Shoreline Phase 1 resident, noted the previously discussed photo of Shoreline
36 taken from SR 40 was actually a few years old and did not reflect the additional building completed
37 in the development. He went on to ask whether the snaking design of Deep Water Drive was safe
38 for emergency vehicle access and inquired whether it could connect with the existing road along
39 the southern section. Chair Matyszczyk commented this was part of the discussion underway with
40 the Fire Marshall. Mr. Gabler cited the grading and slope of the land and restrictions in civil
41 engineering code which limit the distance between road stubs were factors in the road design.

42 Mr. Aychman asked about the heavy equipment utilizing Shoreline Drive and the resulting damage
43 in the Deer Waters area. He noted traffic of up to 50 dump trucks per day in this residential
44 neighborhood and asked how to get them off Shoreline Drive and also asked who was responsible
45 for making repairs to the road. Chair Matyszczyk noted enforcement issues were outside the

1 purview of the Planning Commission and the scope of this public hearing. Mr. Aychman noted his
2 frustrations with GCD not accepting responsibility for such road damage. Mr. Budge responded
3 this was an operational matter and not part of this discussion.

4 Mr. Brian Cooper, Shoreline resident and member of the town's Infrastructure Committee stated
5 his concerns with the many construction problems identified in Shoreline Phase 1 being repeated
6 in future phases and requested GCD prepare a suitable plan for slope erosion remediation in the
7 design.

8 Mr. Cooper also asked about the status of the trail along Shoreline Drive which did not appear to
9 be finished. Mr. Gabler stated this trailhead was temporary and would be finished and appropriately
10 tied into future trails.

11 Town Council Member Carol Haselton concurred with the comments of Messrs. Shadle and
12 Aychman regarding the excess of straight building rows and density within the proposal which she
13 felt were not what homeowners expected when moving to Shoreline. She stated her concerns
14 regarding the service road issues discussed and noted the situation would worsen with the upcoming
15 mud season. Mr. Gabler responded his firm had not recently had trucks carrying fill on these roads,
16 and other developers and builders were also currently using the roads for construction. Ms.
17 Haselton reiterated these trucks were causing damage to the road.

18 Mr. Nate Brockbank asked whether there was asphalt down on the roads in Shoreline Phase 3, to
19 which Mr. Gabler responded no. Mr. Brockbank commented that in addition to the proposed
20 Shoreline plan blocking the views in his development, he stated the GCD heavy trucks had caused
21 damage to Shoreline Road which Mr. Brockbank was responsible for repairing at a cost of over
22 \$100,000.

23 Ms. Carol Tomas asked about connectivity of the Shoreline development with future
24 neighborhoods. Chair Matyszczyk noted this public hearing was only open to discussions of
25 Shoreline Phase 3 and the Planning Commission was not able to comment on development plans
26 not yet proposed.

27 There being no further public comments, the public hearing closed at 9:07 pm.

28 Mr. Budge stated he and Mr. Gabler would take into consideration the comments heard at this
29 meeting and would come back to the Planning Commission at its next meeting to seek approval of
30 final proposals for both the Shoreline Phase 2 amendment and Phase 3. Chair Matyszczyk stated
31 he would like to see the road and safety issues resolved with the Fire Marshall before moving
32 forward.

33 **VI. Meeting Adjournment**

34 There being no further business, Chair Matyszczyk asked for the meeting to be adjourned.

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

38 The meeting adjourned at 9:10 PM.

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44 Kathleen Hopkins, Deputy Town Clerk

File Attachments for Item:

2. Shoreline Phase 2 Amended and Phase 3: Consider Final Subdivision Approval



Staff Review for Planning Commission

To: Chairman Tony Matyszczyk
Hideout Planning Commission

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

Re: Shoreline Phase 3 (and Amended Phase 2)

Date: April 12, 2021

Submittals: The Applicant updated the required submittal materials on April 5th for Town review.

A. Project Background

The Applicant has submitted the following plans:

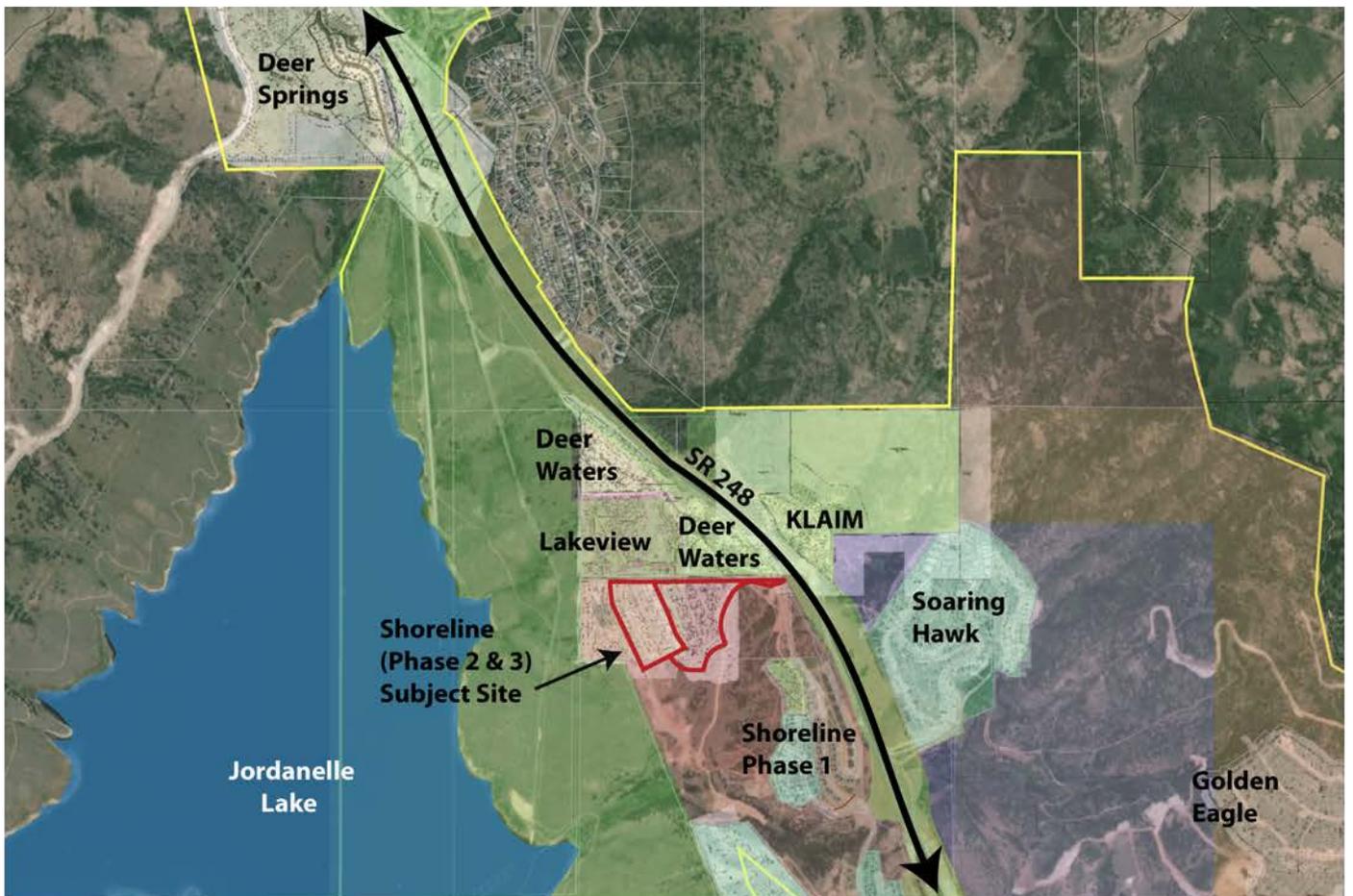
Phase 2 (Amended)

- Amend Phase 2 Subdivision and move lots 2 – 16 from Upside Drive (uphill lots) to Sailwater Lane (downhill lots) to accommodate increased desirability and increased sale prices associated with downhill lots.
- Phase 2 (Amended) has 46 lots dispersed on 9.5 acres.
- Phase 2 is located in the Resort Village Medium Density (RVMD) zoning district (a specified designation under the RSPA Zoning District).
- There is a Master Development Agreement (MDA) for this project, dated March 11, 2010.

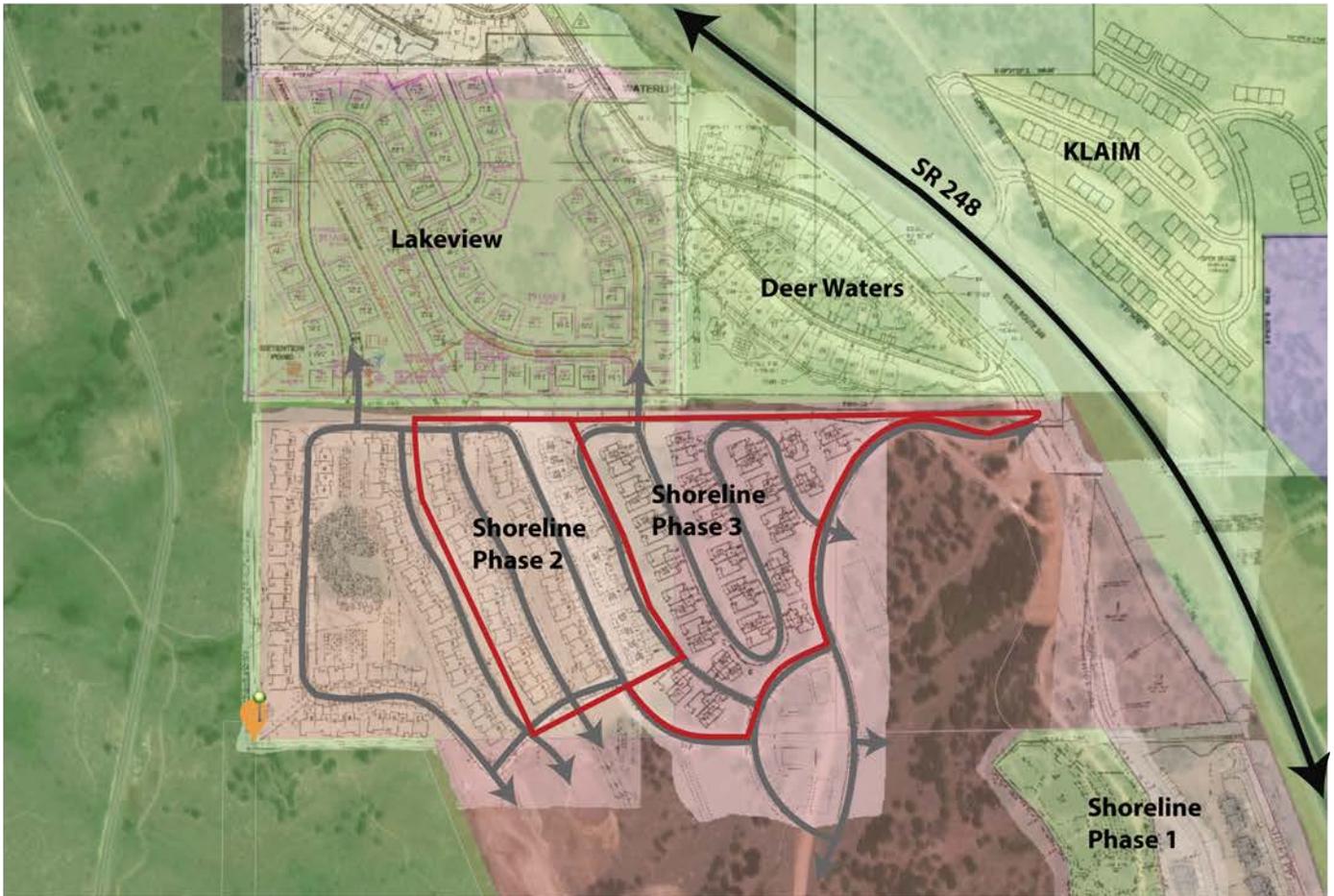
Phase 3

- Phase 3 is a new submittal for Shoreline; the Planning Commission has not previously reviewed this phase.
- Phase 3 has 46 lots dispersed on 9.7 acres.
- Phase 3 is also located in the Resort Village Medium Density (RVMD) zoning district (a specified designation under the RSPA Zoning District).
- There is a Master Development Agreement (MDA) for this project, dated March 11, 2010.

Town Map - Location of Proposed Subdivision



Immediate Site Context Map



B. General Planning Findings

An initial review of the proposed Phase 2 (Amended) and Phase 3 Subdivision indicates the following issues must be addressed:

Phase 2 (Amended) and Phase 3

1. The Applicant previously submitted a subdivision application for Phase 2 and, with the changes proposed, is submitting an amended Final Subdivision Application for Phase 2 (Amended). The Applicant submitted a Preliminary Subdivision application



for Phase 3 and received approval for that preliminary submission on December 8, 2016 from the Town Council.

This application/review is therefore for Final Subdivision review for both Phase 2 (Amended) and Phase 3.

2. The width of the proposed roads (pavement/cart way) as well as right-of-way area should be clearly noted on the supporting plans.
 - a. For Phase 3, the roads are proposed at 18'-0" of asphalt and 5'-0" of curb and gutter for a total of 23'-0" in width. The Applicant must confirm that this is correct for all roadways proposed. The Applicant must further confirm that curb and gutters will be provided for all proposed roads.
 - b. No right-of-way width is illustrated and must be included on the plats.
 - c. Visitor parking: Phase 2 Amended includes twelve (12) off-street parking spaces and Phase 3 includes 28 spaces (four [4] of which are located at intersections and will likely need to be removed due to necessitating unsafe in/out movements. Are retaining walls required for the majority of these spaces? Details should be provided.
 - d. Pursuant to the Town's code, all roads shall have a 4'-0" wide painted bike/pedestrian lane incorporated to ensure safe accessibility for non-vehicular users.
 - e. The Phase 2 (Amended) Subdivision is missing *any* reference to road widths and rights-of-way widths. These must be provided.
 - f. The vertical alignment of the road connecting Shoreline Phase 3 (north side) and Lakeview Estates must be adjusted to match the approved Lakeview Estates construction plan set.

The Town Engineer, Town Planner, and the Wasatch County Fire Marshall recommend the Applicant meet the Town Code for street widths which is 26'-0" of asphalt plus curb and gutter. The Applicant responded that he is vested under the 2010 Master Development Agreement (MDA) and does not have to meet Town Codes. There are significant health and safety concerns associated with reduced road widths and the Wasatch County Fire Marshall strongly recommends the Applicant meet the Town Code. The Applicant indicated that he does not intend to meet the Town Code.



3. The Open Space Tabulation Chart for the proposed Phase 3 Subdivision calculations indicates:

Open Space Area: 234,246 SF

Impervious Area: 189,684 SF

Total Area: 423,970 SF 9.7 acres total

- a. Open space, parks, and trails must be clearly noted on the plan for the Parks, Open Space & Trails (POST) committee to review and provide input and, ultimately, sign-off.
- b. Section 13.1.1 of the Master Development Agreement (MDA) requires 25% of the Project shall be Open Space.

Per the 2010 MDA, this is defined as any land that is not covered by buildings or roads. While this does not meet industry best practices for open space, the MDA allows for this very loose definition of 'open space.' Industry best practices and Town Code define open space as:

- Code: *Open Space. An area of open land, with little or no land disturbance, preserved, enhanced and/or restored in order to maintain the natural, scenic, ecological, cultural, hydrological, geological, or agricultural values of the land. Open Space may include trails and park bench style seating; interpretive signage and kiosks for educational purposes; and agricultural activities.*
- c. Preliminary plans submitted to the Planning Commission in 2016 included 6.7 miles of pedestrian-only trails and/or sidewalks along proposed roads. This must be clearly delineated on the subdivision plans. Some trails have been incorporated into Phase 3 but there are slope concerns with placement.

The Applicant submitted the following chart indicating the open space requirements of the MDA. The 2010 MDA defines 'open space' as any space not covered by a building, road or parking – in other words, any pervious surfaces count toward the subdivision's open space calculations. While this does not meet the Town's Zoning Ordinance definition nor industry 'best practices', the Applicant is vested pursuant to the 2010 MDA. The Applicant indicated that he will only adhere to the 2010 MDA requirements and not the Town Code requirements. The 6.7 miles of trails are a requirement from the December 2016 preliminary subdivision approval and must be incorporated into the current subdivision proposal (Phase 2 Amended and Phase 3).



Opens Space % for GCD/Shoreline Sites				
	SF total	Impervious SF	Open SF	% open
Rustler	874,285	323,090	551,195	63%
Shoreline 1	792,129	248,716	543,413	69%
Shoreline 2	852,668	418,319	434,349	51%
Shoreline 3	423,930	189,684	243,246	55%

Open is defined as all common areas
outside any hardscape: Buildings, drives, roads, parking

- Density (see Exhibit A at the end of this report): The 2010 MDA, at signing, included 280 acres of area owned by the developer but outside the Town of Hideout limits. The inclusion of this land allows for an additional 420 dwelling units (280 acres * 1.5 ERUs = 420 residential units) in the Master HOA. This land is not within the Town of Hideout's jurisdiction and must be removed from the total density calculations pursuant to Section 3.2 of the MDA.

Currently, the 2010 MDA (Exhibit B) includes the following density allowances:

Total Boundary = 1,026 Acres within Hideout
Area Outside Hideout = 280 Acres
Total (in and out of Hideout) = 1,306 Acres

Total Residential Units: 1,306 * 1.5 ERUs = 1,959 Residential Units (maximum).

Section 1.2.21 (Maximum Residential Units) of the MDA was inaccurately calculated, allowing 1,975 units for the Master HOA. This is not supported by the acreage depicted in Exhibit B of the MDA. Based upon Exhibit B, the maximum number of residential units is 1,959 units. And pursuant to Section 3.2, the maximum number of residential units allowed within the Master HOA must be reduced by another 420 units since the 280 acres were never annexed by the Town of Hideout. The corrected density allowance for the Master HOA is 1,539 residential units.

In addition, the ERU calculations in place when the 2010 Master Development Agreement was signed require the following analysis:

There is no minimum square footage requirement for an ERU; one ERU is equivalent to one residential unit. But a residential unit (detached or attached) greater than 5,000 SF (up to 7,000 SF) counts as 1.5 ERUs (and an additional 0.5 ERU is added for each additional 2,000 SF). The Town of Hideout must assess all residential units built to date. If



any unit already built is over 5,000 SF, the total allowed maximum density for the Master HOA will be further reduced from 1,539 units. The reduction will be calculated as follows:

- The maximum residential units allowed will be reduced by 0.5 units for each unit between 5,000 and 7,000 SF
- The maximum residential units allowed will be reduced by 1.0 units for each unit between 7,000 and 9,000 SF
- The maximum residential units allowed will be reduced by 1.5 units for each unit between 9,000 and 11,000 SF
- The maximum residential units allowed will be reduced by 2.0 units for each unit between 11,000 and 13,000 SF
- This MDA requirement continues: an additional 0.5 units for each additional 2,000 SF of the residential building area will be deducted from the maximum residential units allowed

This will require the MDA to be updated with the Town of Hideout. Additionally, the map included in Exhibit B does not include all of the area (subdivision/density pod #1) that Shoreline proposes to develop. This will have to be amended.

Based upon the chart submitted by Mustang Development LLC, the Master HOA is currently out of compliance with the MDA. The maximum residential units permitted for the entire Master HOA build out is 1,539. Currently, the Master HOA has a total count of 1,565 units. This number exceeds the maximum residential units allowed pursuant to the MDA by 26 units and an assessment of dwelling unit square feet has not been completed. Any existing units in Town that exceed 5,000 SF will further reduce this allowable density.

Shorline Overall	
Approved	Units
PA 1	42
PA 2	12
PA 3	16
PA 4	124
PA 5	58
PA 6	111
PA 7	145
PA 8	192
PA 9	0
	700



Mustang Development - RSPA Utah Tabulation 01/17/19		
Subdivision	Final Approval Units	Recorded Plat Units
Rustler	88	88
Forevermore	13	13
Phase 2-4 Lots	48	48
Phase 2-4 Pod Lots	21	21
Phase 2a Lots	4	4
Plat A Lots 16 & 17	2	2
Phase 8 lots	9	9
Phase 8 pods	6	6
Reflection Lane	9	9
Phase 1	30	30
Phase 1 Twin homes	8	8
Phase 1 Pod 4	5	5
Phase 1 Pod 9	4	4
Silver Sky	26	26
Soaring Hawk (all phases)	154	152
Golden Eagle	316	315
Shoreline (700 units approved)	700	153
Settlement (150 units approved)	122	122
	1,565	1,015
Mustang Units Through Entitlements and MDA		
	Original	1,975

5. Zoning: The RSPA (Resort Specially Planned Area) map is referenced several times relative to the overall 2010 MDA. The map is contained in Exhibit B. A color rendition should be provided for Staff review since the black and white copy makes it hard to decipher the exact locations of specific density/subdivision pods.

A detailed review of the 2010 MDA indicates that the Master HOA does not include all of the required elements per the RSPA (Resort Specially Planned Area) and is out of compliance with the 2010 MDA. Pursuant to Section The MDA must comply with the RSPA Zoning District as per the Town Code, Section 12.30.06



RSPA Requirements per 12.30.06.08 Definitions:

RESORT VILLAGE: A center or hub for the RSPA. Resort Villages, and the reason they are important to the success of the RSPA, are described further in HMC 12.14.340 Paragraph C. In order to qualify as a Resort Village, the area or Zone must have the attributes listed below. A Resort Village can be located in more than one property:

1. A minimum of four of the following planned uses:

1. LAND USE PLAN

- 1. Condominiums;**
- 2. Hotels;**
- 3. Timeshares or other shared-ownership products;**
- 4. Private residence clubs;**
- 5. Town homes;**
- 6. Single-family homes;**
- 7. Seasonal Community Housing or other Affordable Housing**
- 8. Meeting facilities.**

2. Other required components;

- 1. Retail, dining and entertainment facilities;**
- 2. A minimum of 150 Units (not ERUs) in the Resort Village Zone**

The existing Master HOA does not include a minimum of four of the required planned uses. Within the entire Master HOA, there are currently only two uses: Town homes and Single-family homes. Additionally, neither of the 'other required components' has been met: the minimum 150 units in the Resort Village Zone should be explained by the Applicant or clarified on a map. And there are no 'retail, dining and entertainment facilities' as part of this proposed subdivision or any other subdivision within the Master HOA. These amenities – retail, dining and entertainment – must be constructed prior to the construction of additional residential units.

- 6. Pursuant to the MDA, the following plans were submitted for a public hearing to the Town Council for Preliminary Plat approval on December 8, 2016. The plan illustrates the following amenities that the Applicant should discuss the timeline to develop:**

- i. Community swimming pool, amphitheater, bocce ball courts, etc.
 - ii. Splash pad, event lawn, etc.
 - iii. Proposed park area, trails, open space, etc.
 - iv. The Aspen Grove Recreation Park
 - v. The Canyon Recreation Area
7. The topography map illustrates existing conditions and proposed conditions but is not clear on areas of cut-and-fill. These should be shaded on the map and color coded. The contour lines on the northern property line do not appear to match those on the adjacent property. These connections must be revised significantly.

Nothing has been provided to date. The Town of Hideout's code requires topographic information prior to the approval of any subdivision. The Applicant stated that he is exempt from these Town requirements due to his vesting with the 2010 MDA. Staff review of the MDA found that Section 11.2 requires approval of a grading plan prior to any construction.

Staff visited the site in March 2021 and it appears the changes to natural grade significantly exceed the Town Code's allowance of 5'-0" from natural grade. It also appears the existing grading on site redirects stormwater runoff to adjacent properties. This also violates the Town Code and must be revised.

The site visit also revealed some new above-ground utility poles. These must be removed and the utilities located underground.

8. The plans illustrate only two (2) proposed retaining walls for Phase 3 and none for Phase 2 (Amended). The Applicant shall confirm whether this is accurate or if more are proposed:
 - a. One is located on the north side of the proposed Phase 3 (between Deepwater Drive and Recreation Drive.
 - The Applicant shall confirm the maximum height of this wall; it appears to be approximately 4'-0" high at its highest point.
 - b. The other is along Deepwater Drive, along the southernmost area near the loop.
 - The Applicant shall confirm the maximum height of this wall; it appears to be between 6'-0" to 8'-9" high at its highest point.
 - c. The northern and southern loops of Deepwater Drive, Sailwater Lane, and Upside Drive appear to have very steep slopes and may require retaining

walls. The Applicant shall provide the slope in these areas as well as the proposed slope stabilization mechanisms.

- d. The following is the Town's new ordinance requirement for retaining walls:
- A structural analysis of these walls must be provided.
 - A section of a typical tiered wall must be provided including materials, planting in the horizontal breaks, etc. The finish for all retaining walls shall be natural rockery (stacked boulders).
 - *Code: No retaining wall shall be greater than six feet (6'-0") tall and no more than two retaining walls may be terraced. If two (2) retaining walls are terraced, each wall shall have a maximum height of five feet (5'-0") and a minimum of five feet (5'-0") horizontal distance between each wall, with such intervening space being planted with native vegetation (or other materials as approved by the Town Planner). A third terraced wall is not permitted on the same parcel and shall not be located closer than 25' to any other wall (or set of two terraced walls), measured horizontally on a topographic survey (plan view).*

The Applicant submitted a site plan with the location of the retaining walls identified. The walls do not meet the Town Code requirements in terms of maximum height for a single wall; the proposed walls range in height from 8'-0" to 10'-0". Some of these walls are located along the property lines and very close to proposed retaining walls for the adjacent subdivision (Lakeview Estates). These may need to be relocated and/or reconfigured. Staff will work with the Applicant to determine if terracing is possible to reduce the height of the walls. This may prove difficult given the number of units proposed on the site; the density is quite high and may be physically impossible to execute. The Applicant has indicated that he does not have to meet the Town Code requirements (only those of the 2010 MDA) and since there were no specific requirements contained within the MDA, he indicated that he would like to proceed with his plans as presented.

9. A final Landscape Plan must be provided for review and approval by the Planning Commission. This must include the location for all proposed trees, shrubs, and planting beds including the botanical names, quantities, and size at time of planting:
- a. *Code: All required deciduous trees shall have a minimum of two-inch caliper in size. All evergreen trees shall be a minimum of six feet in height. All shrubs shall be a minimum of five gallons in size.*

The Applicant submitted a Landscape Plan with some specific planting typology for sample units. The plan is not detailed enough for the final submittal. The Town will



require additional information and detail specifically for some of the common areas (which should be re-vegetated with native vegetation) and additional variation for the limited common areas around the proposed units.

10. The Applicant has only three (3) distinct building elevations. No more than 20% of the units in the development can have the same elevation. With 46 units proposed, the Applicant will need a minimum of nine (9) distinct building elevations:
 - a. Code: *Major Subdivisions (6 lots or more) shall not have greater than twenty (20%) of the structures with the same elevation and, in no case, shall any two (2) similar structures be located adjacent to each other or directly across the street. The differentiation of each structure shall be a combination of unique roof lines, garage step backs, entry/porch location and canopy, fenestration, building materials, and colors.*
 - b. A detailed set of building elevations must be submitted to ensure compliance with the Town's Building Design Standards.

The Applicant has not yet submitted updated architectural plans.

11. Note #1 in the 'Notes' on the Phase 2 Amended Subdivision and Phase 3 Subdivision states that *'all common area is to be considered a drainage and public utility easement.'*
 - a. The Applicant has not illustrated the existing Public Utility Easement(s) on the proposed subdivision plan. These specific areas should be shown on the proposed subdivision.
 - b. This note should be revised to identify the areas that are common areas for HOA use vs. those areas that will be designed for green drainage infrastructure and those that will be used as parks, trails and open space.

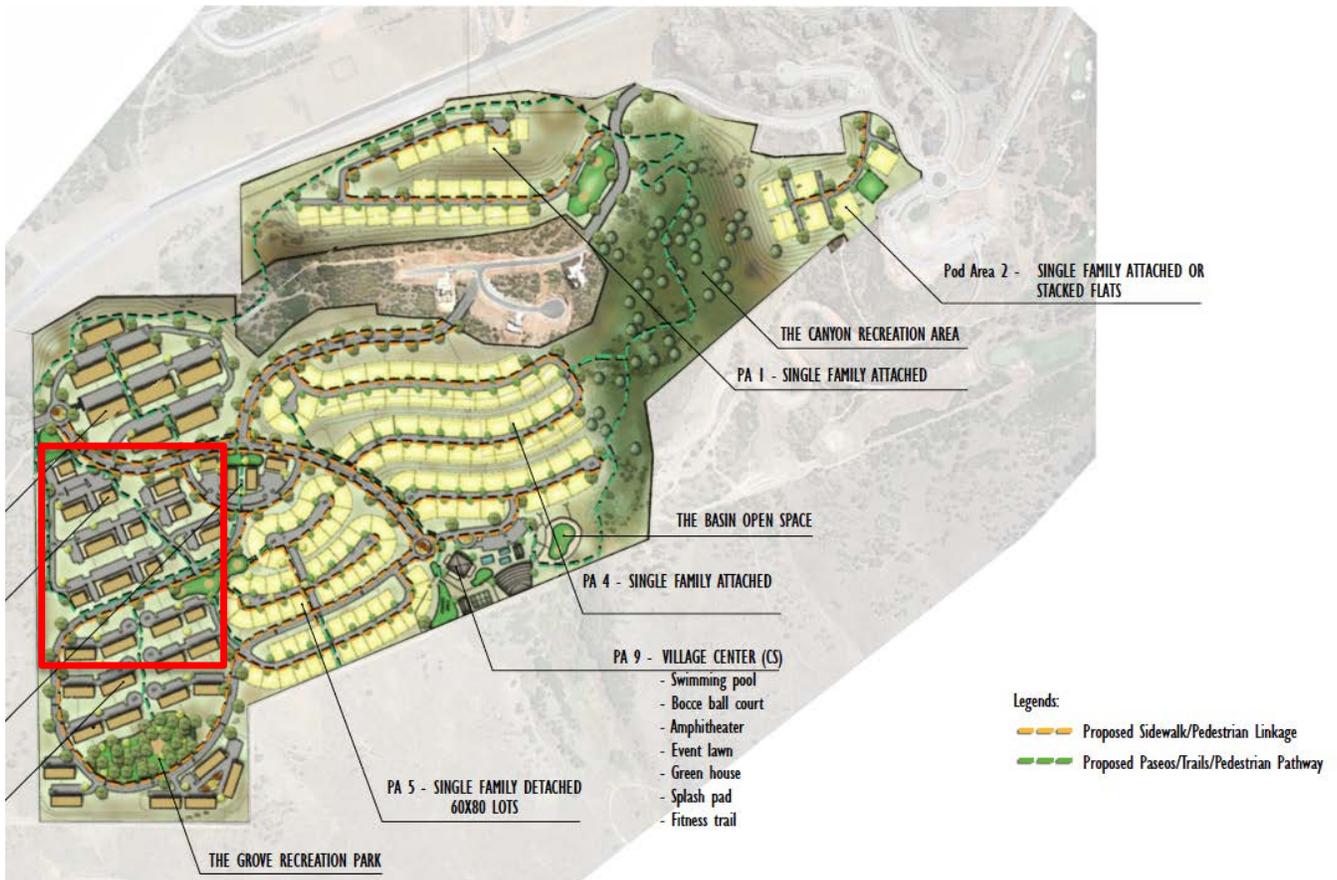
The Applicant has not yet addressed this requirement.

C. Staff Recommendation

Staff recommends that the Planning Commission review the proposed subdivision, discuss the input from the Town Planner and Town Engineer, and continue this to the next meeting. There are a significant number of outstanding issues associated with this proposal and many have implications for other subdivisions/density pods within the entire Master HOA.

If the Applicant requests a vote, staff recommends denial of the proposed subdivision based upon the Findings of Facts, Conclusions of Law and the outstanding Conditions as identified in this Staff Report and that of the Town Engineer.

General Location of Phases 2 & 3 per the Concept/Preliminary Submittal in 2016



D. Code Requirements for Subdivision Review

The following submittals and/or revised documents are outstanding and required pursuant to Section 11.06.21.01 (Subdivision Application Submittals) of the Town Code:

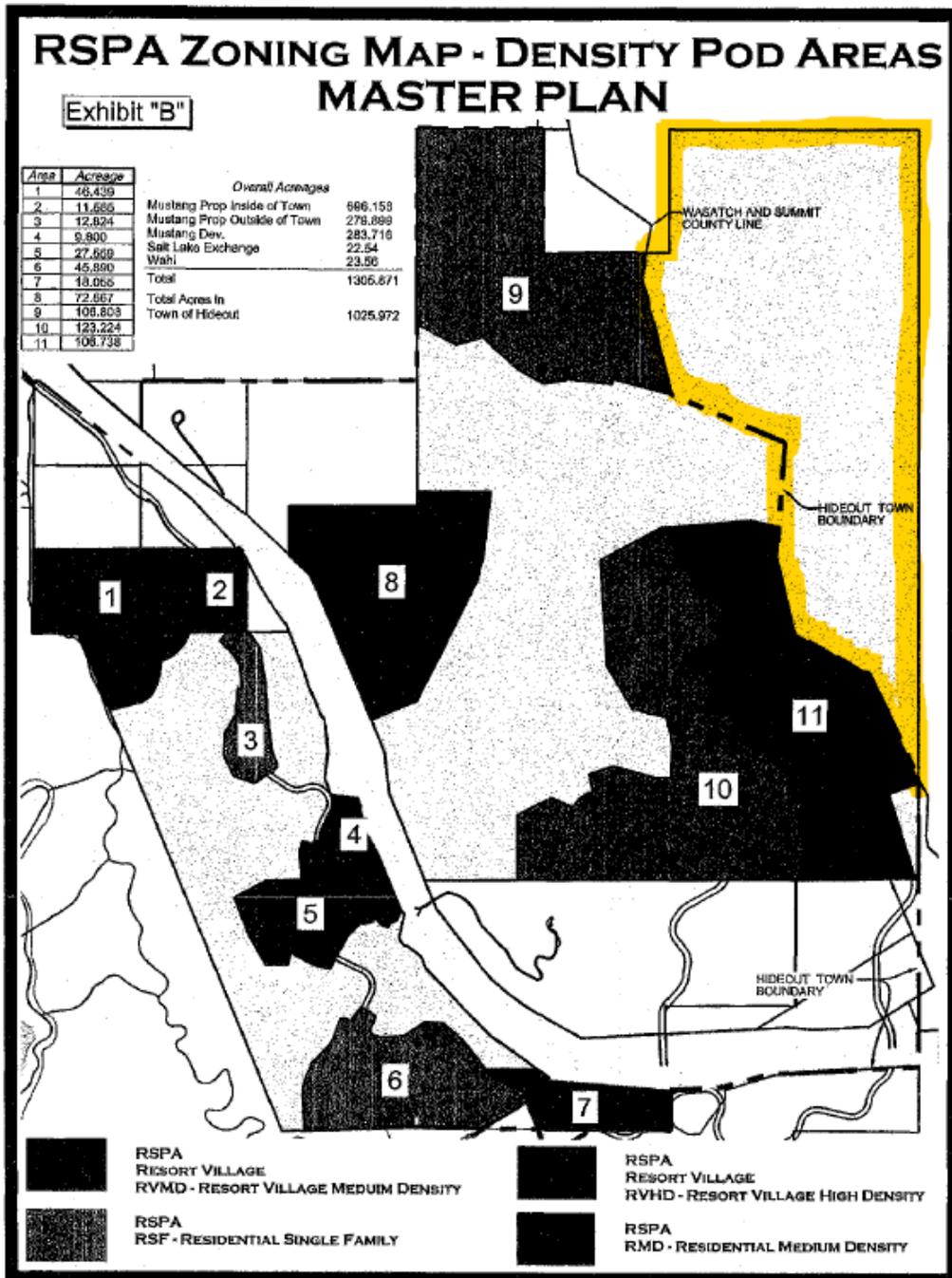
1. Trails, open space, and park area designated areas



2. Easements: public, private, access, etc.
3. Landscape Plan for Phase 2 (Amended) and Phase 3
4. A Traffic Study
5. An Evacuation Study
6. Sensitive and steep slopes (greater than 30%) analysis – color coded
7. Sections for proposed retaining walls
8. Visitor parking plan
9. Street lighting plan: fixtures, dark sky compliance (including color temperature)
10. Architectural plans and elevations (full suite)

Exhibit A – 2010 Master Development Agreement (MDA) RSPA Zoning Map

Ent 360737 Bk 1017 Pg 1081



February 10, 2010