



# HIDEOUT, UTAH PLANNING COMMISSION REGULAR MEETING AND PUBLIC HEARING

December 16, 2021

## Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Hideout, Utah will hold its regularly scheduled meeting and public hearing electronically for the purposes and at the times as described below on Thursday, December 16, 2021

This meeting will be an electronic meeting without an anchor location pursuant to Planning Commission Chair Anthony Matyszczyk's December 8, 2021 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. [December 8, 2021 No Anchor Site Letter](#)

#### II. Roll Call

#### III. Approval of Meeting Minutes

#### IV. Public Hearings

1. [Review and possible recommendation to Town Council regarding an amendment to the Master Development Agreement for the Deer Springs Community](#)
2. Review and possible recommendation to Town Council regarding the final KLAIM Phase 3 Subdivision
3. Continued review and possible recommendation to Town Council regarding Subdivision/Lot Amendment to Hideout Canyon Lot 37
4. Continued review and possible recommendation to Town Council regarding Subdivision/Lot Amendment to Hideout Canyon Lot R-3

#### V. Agenda Items

1. [Presentation and discussion of an initial concept plan of a planned community development project on the Salzman property](#)
2. [Consideration of establishing the 2022 Planning Commission meeting schedule](#)

#### VI. 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. December 8, 2021 No Anchor Site Letter



December 8, 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(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 15.72% of those tested since December 2, 2021. The seven-day average number of positive cases has been, on average, 1415 per day since December 7, 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

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

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

BY:

  
Tony Matyszczyk,  
Planning Commission Chair

ATTEST:

  
Kathleen Hopkins, Deputy Town Clerk



**File Attachments for Item:**

1. November 18, 2021 Planning Commission Minutes DRAFT

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

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

Regular Meeting

**I. Call to Order**

Chair Matyszczyk called the meeting to order at 6:00 PM and read the current No Anchor Site letter in its entirety. All attendees were present electronically.

**II. Roll Call**

**PRESENT:**

Chair Tony Matyszczyk  
Commissioner Rachel Cooper (alternate)  
Commissioner Glynnis Tihansky  
Commissioner Donna Turner  
Commissioner Bruce Woelfle

**EXCUSED:**

Commissioner Ryan Sapp

**STAFF PRESENT:**

Thomas Eddington, Town Planner  
Polly McLean, Town Attorney  
Timm Dixon, Head of Public Works and Engineering  
Ryan Taylor, Town Engineer  
Alicia Fairbourne, Town Clerk  
Kathleen Hopkins, Deputy Town Clerk

**OTHERS IN ATTENDANCE:** Nate Brockbank, Dillon Bliler, Mary Freeman, Jack Walkenhorst, Andrew Moran, Shari Jacobs and others who may not have signed in using proper names in Zoom.

**III. Approval of Meeting Minutes**

There were no changes to the draft minutes of the October 21, 2021 Planning Commission meeting.

***Motion: Commissioner Tihansky made the motion to approve the October 21, 2021 Planning Commission Minutes. Commissioner Woelfle made the second. Voting Aye: Commissioners Tihansky and Woelfle. Voting Nay: None. Abstaining: Chair Matyszczyk, Commissioners Turner and Cooper. The motion carried.***

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**IV. Public Hearings**

**1. Review and possible recommendation to Town Council regarding the final Lakeview Estates Subdivision**

Mr. Thomas Eddington, Town Planner, provided an overview and noted Lakeview Estates was previously approved in October 2020, but the developer missed the six-month deadline to record the plat so was requesting an extension at this time. He noted while the subdivision was vested under the prior town code, the developer had agreed to meet various provisions of the new town code as adopted in 2021. Mr. Eddington highlighted several items where the developer had met or exceeded the new town code including open space requirements, density, building heights and design variety.

Regarding road widths, Mr. Eddington noted the developer met the current code requirements for 26-feet of pavement. Town Engineer Ryan Taylor confirmed drain and storm water standards had also been met.

Mr. Eddington noted open space requirements had not been specified under the prior code but the developer was including over eight acres of open space in the community. He also stated there was no change in layout of the site plan since the original approval.

Mr. Eddington discussed the deed restrictions included in the Staff Report which limited building heights to 35-feet and required varying setbacks and building facades throughout the subdivision. He also noted several retaining walls which had been eliminated or reduced so that front setbacks for certain units had been reduced from 30-35 feet to 20-25 feet. He noted the amendment to the deed restrictions regarding variances on the retaining walls should be forwarded to Town Council for formal approval.

Chair Matyszczyk asked if a positive recommendation to Town Council for this subdivision should include a caveat regarding the amendment of deed restrictions as discussed. Mr. Eddington responded yes, this was the Staff’s recommendation.

Commissioner Woelfle asked for clarification on the new retaining wall heights. Mr. Eddington responded most retaining walls were now less than ten feet with a few at twelve feet. The original plan included a three-tiered design which had been replaced with shorter sections.

Commissioner Tihansky asked if the road construction in the development had commenced. Mr. Eddington responded some horizontal infrastructure had begun. Mr. Taylor added the developer had agreed to commence road construction “at risk” before the plat was recorded, but the road had been properly approved and permitted prior to commencement of road construction.

Chair Matyszczyk opened the floor for public comment at 6:15 PM. Mr. Nate Brockbank, developer for Lakeview Estates, noted he had agreed to limit building heights for lots 224 and 225 in order to ensure neighboring views were not negatively impacted.

There being no further public comment, the public hearing was closed at 6:17 PM.

***Motion: Commissioner Tihansky made the motion to make a positive recommendation to the Town Council to approve the Lakeview Estates subdivision subject to the deed restriction caveats included in the Staff Report. Commissioner Woelfle made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner and Woelfle. Voting Nay: None. The motion carried.***

1       **2. Review and possible recommendation to Town Council regarding the final Deer Waters**  
2       **Phase 4 Subdivision**

3       Mr. Eddington provided an overview and noted Deer Waters Phase 4 had been approved in  
4       conjunction with Phase 3 in April 2021. He noted the Phase 3 plat had been recorded, however  
5       Phase 4 was not recorded by the six-month deadline, so a new approval was being requested at this  
6       time. He noted there were no changes in the project layout which was subject to vested code. He  
7       added under the Master Development Agreement, a dedicated parcel along Shoreline Drive was to  
8       be deeded JSSD and added to the plat. The Planning Commission was being asked to consider a  
9       positive recommendation to the Town Council to approve the development.

10       Commissioner Tihansky asked about the park which had been included in the prior approval. Mr.  
11       Eddington responded the park was not required to be included on the plat but pointed out its  
12       location and noted it would be maintained by the Deer Waters Homeowners Association and allow  
13       for public use.

14       Commissioner Turner asked about the width of Deer Bend Way which appeared to be narrower  
15       than other roads on the map. Mr. Taylor responded the road would meet the 26-foot pavement  
16       standards under the current town code and he would confirm the most current design was included  
17       in the signed plat. Mr. Brockbank, developer for Deer Springs, confirmed the road was built with  
18       26-feet of pavement.

19       Commissioner Turner also asked about the units in the end lots. Mr. Brockbank noted he had  
20       reduced the number of lots at the Town's request and placed single family homes at the ends with  
21       town homes between them. He also noted the road had been approved at 22-feet but was built at 26-  
22       feet of pavement per the new town code.

23       Chair Matyszczyk opened the floor for public comment at 6:26 PM. There were no public  
24       comments and the public hearing was closed at 6:27 PM.

25       ***Motion: Commissioner Woelfle made the motion to recommend approval of Deer Waters Phase 4***  
26       ***to Town Council, per the Staff Report. Commissioner Tihansky made the second. Voting Aye:***  
27       ***Commissioners Cooper, Matyszczyk, Tihansky, Turner and Woelfle. Voting Nay: None. The***  
28       ***motion carried.***

29  
30       **3. Review and possible recommendation to Town Council regarding Subdivision/Lot**  
31       **Amendment to Hideout Canyon Lot 37**

32       Mr. Eddington discussed the requested subdivision amendment which sought to change the location  
33       of the driveway easement on Lot 37. He showed a diagram of the existing and proposed driveway  
34       locations and noted the existing plan included a shared driveway with the neighboring lot. The  
35       applicant was requesting a private driveway with a new easement. In response to a question from  
36       Commissioner Tihansky, he noted neither of the lots had been built. Mr. Andrew Moran, engineer  
37       working with the lot owner, discussed the request and answered several questions from the  
38       Commissioners regarding the slope of the proposed driveway location, home site, back out space,  
39       retaining walls and who was responsible for their ongoing maintenance. Mr. Timm Dixon, Head of  
40       Public Works and Engineering for the Town, requested additional information be included in the  
41       drawing regarding the angle and slope of the driveway relative to the road. Mr. Dixon also had  
42       questions regarding retaining wall and drainage on the plan. After further discussion, the  
43       Commissioners and Staff requested an updated plan to address the issues raised, as well as to invite  
44       the adjacent lot owner and Homeowners Association (HOA) to provide comment on the request.

45       Chair Matyszczyk opened the floor for public comment at 6:46 PM. There being no comments, he  
46       closed the public hearing at 6:47 PM.

1 The Commissioners requested the public hearing be continued to the next Planning Commission  
2 meeting and provide the HOA and adjacent property owner of Lot 36 with specific notice of the  
3 continued public hearing.

4 *Motion: Commissioner Woelfle moved to continue the discussion and public hearing regarding*  
5 *Subdivision/Lot Amendment to Hideout Canyon Lot 37 to the December Planning Commission*  
6 *meeting. Commissioner Turner made the second. Voting Aye: Commissioners Cooper, Matyszczyk,*  
7 *Tihansky, Turner and Woelfle. Voting Nay: None. The motion carried.*

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9 **4. Review and possible recommendation to Town Council regarding Subdivision/Lot**  
10 **Amendment to Hideout Canyon Lot R-3**

11 Mr. Eddington reviewed the request to change the existing driveway easement for this lot. He noted  
12 the developer had not built the adjacent road (Reflection Lane) as approved and it did not match the  
13 recorded plat. Mr. Taylor also noted the developer had not yet completed the water and sewer  
14 infrastructure in this subdivision and thus no home construction would be able to commence. It was  
15 also noted Lot 6 shown on the plat was not a buildable lot as the road had been constructed on  
16 it. Mr. Eddington discussed approval of this amendment as it was unrelated to the other issues  
17 surrounding the road and lots which did not conform to the subdivision's recorded plat.

18 It was noted these issues pre-dated the current Town staff, engineer and current Planning  
19 Commissioners who could not explain how the road had been built in contradiction to the recorded  
20 plat. Mr. Taylor stated he was not comfortable recommending this approval given the problems  
21 reflected in the subdivision plat. The Commissioners also asked about the locations of the  
22 driveways and lot sizes of several other lots depicted on the plat. Mr. Taylor noted these other  
23 questions would need to be resolved separately from the applicant's request for the amendment  
24 under consideration. Town Attorney Polly McLean noted the subdivision and recorded plats  
25 preceded the current Town staff and administration. In response to a question from Commissioner  
26 Turner, Mr. Moran, engineer for the applicant, stated the applicant was an individual lot owner  
27 seeking to build a custom home on the site.

28 Commissioner Woelfle asked about the small lot sizes of lots R1-R5 and their driveway locations.  
29 In response to a question from Commissioner Turner, Mr. Eddington stated these small lots had the  
30 same zoning as the rest of the subdivision. Mr. Eddington added it would be preferable to move  
31 several of the driveways in the subdivision plat from being centered to being located to either side  
32 of the lots. He also suggested the plat be amended to correct the issues related to Lot 6 and the road  
33 location to conform with what was built.

34 Commissioner Tihansky asked if the applicant's amendment request could be granted separate from  
35 the other issues regarding the subdivision plat. Mr. Eddington stated while he was supportive of the  
36 request, he noted the complications surrounding the incorrect plat. Mr. Taylor and Ms. McLean  
37 both agreed and stated they would not be comfortable signing a plat amendment which did not  
38 reflect what had actually been built. Ms. McLean stated a broader plat amendment was required to  
39 address these issues. Mr. Taylor also noted there was a hold on all construction on Reflection Lane  
40 given the incomplete water and sewer infrastructure, so granting the applicant's requested  
41 amendment was a moot point at this time. Commissioner Turner asked about the location of the  
42 power line easement which was not depicted in the meeting materials.

43 Mr. Moran asked if there was a plan in place to complete the utility infrastructure to Lot R-3. Mr.  
44 Taylor responded he had reached out to the developer Mustang LLC on multiple occasions but had  
45 not received a response. Ms. McLean noted the plat had been signed by prior town officials.



1 Chair Matyszczyk opened the floor for public comment at 7:12 PM. There being no comments, he  
2 closed the public hearing at 7:13PM.

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4 The Commissioners requested the matter be continued to a future meeting when an updated plat  
5 could be provided.

6 ***Motion: Commissioner Tihansky moved to continue the discussion and public hearing regarding***  
7 ***Subdivision/Lot Amendment to Hideout Canyon Lot R-3 to a future Planning Commission meeting***  
8 ***when a corrected plat amendment could be considered. Commissioner Turner made the second.***  
9 ***Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner and Woelfle. Voting Nay:***  
10 ***None. The motion carried.***

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12 **5. Review and possible recommendation to Town Council regarding the Parks, Open Space**  
13 **and Trails plan**

14 Mr. Eddington discussed the updated Parks, Open Space and Trails (POST) Plan which had been  
15 reviewed by the Planning Commission in October and was now being presented for public  
16 comment. He recommended the Planning Commission recommend to Town Council the POST Plan  
17 be adopted into the Town's General Plan.

18 Mr. Eddington noted several updated items including potential pedestrian crossing(s) along SR-248  
19 and the inclusion of various approved park and open space areas which had been incorporated into  
20 the plan document.

21 Commissioner Woelfle asked whether the HOA's were responsible for maintaining existing trails.  
22 Mr. Eddington responded yes, as none of the trails had been turned over to the Town.  
23 Commissioner Woelfle noted he had received a complaint from a resident regarding the need for  
24 cleanup and safer access to the trail at Deadman's Gulch. Commissioner Cooper stated her  
25 understanding it was the responsibility of the Shoreline HOA to maintain this trail. Mr. Eddington  
26 noted as this was part of a future Shoreline Phase, it would currently fall to the developer GCD to  
27 maintain the trails and he would reach out to have these matters addressed.

28 Commissioner Tihansky reminded the Commissioners the incorporation of this document within  
29 the Town's General Plan could help with future project grant applications. Commissioner Cooper  
30 asked about the frequency for updating the plan and various statistics included in the document. Mr.  
31 Eddington replied the intention was to update the document every one to two years. Mr. Eddington  
32 added the POST Committee was open to additional members.

33 Commissioner Turner asked about the proposed locations for future pedestrian crossings along SR  
34 248. Mr. Eddington noted the traffic lights had been recommended by UDOT but there was no date  
35 certain for their installation which would be dictated by future traffic studies and volume.

36 Chair Matyszczyk opened the floor for public comment at 7:25 PM. There being no public  
37 comments, the public hearing was closed at 7:26 PM.

38 ***Motion: Commissioner Tihansky moved to recommend to Town Council the adoption of the Parks,***  
39 ***Open Space and Trails Plan. Commissioner Woelfle made the second. Voting Aye: Commissioners***  
40 ***Cooper, Matyszczyk, Tihansky, Turner and Woelfle. Voting Nay: None. The motion carried.***

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**V. Meeting Adjournment**

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

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

The meeting adjourned at 7:28 PM.

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Kathleen Hopkins, Deputy Town Clerk

Draft

**File Attachments for Item:**

1. Review and possible recommendation to Town Council regarding an amendment to the Master Development Agreement for the Deer Springs Community



## Staff Report for Deer Springs – Second Amendment to MDA

To: Chairman Tony Matyszczyk  
Town of Hideout Planning Commission

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

Re: Deer Springs Subdivision – MDA Amendments

Date: 14 December 2021

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*Submittals: Second Amendment to Master Development Agreement (MDA) for Deer Springs*

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The Planning Commission and the Town Council approved the initial Master Development Agreement (MDA) with the developer (Nate Brockbank and Holmes Homes) on August 6, 2018. The MDA outlines the agreements between the Town and the developer and address issues such as density allowed, infrastructure requirements, park and trail commitments, design review, etc.

The Town of Hideout approved a First Amendment to the MDA on August 21, 2020 that generally addressed revisions to phasing, park and trail improvements (due prior to recordation of Phase 3; no COs issued for Phase 3 until completion), and improvements to the maintenance building that was donated to the Town.

This Second Amendment to the MDA was required by the Planning Commission and Town Council as part of the Conditions of Approval for the Deer Springs Subdivision – Phase 2A and 2B approval on May 13, 2021 and generally includes the following two items:

- Updated Phasing Plan that matches what the PC and TC agreed to in May 2021
  - Staff recommends that the following sentence should be added to the MDA:
    - *All development activity must follow the sequential phases included in Exhibit B-2.2 in strict numeric order, Phase 1, then 2A, 2B, 3, 4, 5, 6, 7, and finally Phase 8. Any changes proposed to this phasing will require approval by the Town of Hideout and include the necessary revisions to this MDA.*
- A timeline for the payment of the \$600,000 committed to the Town (\$60,000 has already been paid)
  - Staff recommends a more definitive date for transfer of the outstanding \$540,000:
    - *The developer shall transfer the remaining \$540,000 to the Town of Hideout no later than February 15, 2022.*

Staff is recommending the Planning Commission review and favorably recommend the Second Amendment to the Master Development Agreement, with the proposed changes, for approval by the Town Council.

**WHEN RECORDED, RETURN TO:**

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

**SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR  
DEER SPRINGS COMMUNITY**

THIS SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR DEER SPRINGS COMMUNITY (“**Second Amendment**”) is made and entered as of the date set forth below, by and between the Town of Hideout, a Utah municipal corporation (“**Town**”), and Holmes Western Deer Springs, LLC, a Utah limited liability company (“**Developer**”).

**RECITALS**

A. Western States Ventures, L.L.C., a Utah limited liability company (“**Original Developer**”) and the Town entered into that certain *Master Development Agreement for Deer Springs Community* which was recorded on August 6, 2018 as Entry No. 454483 in the official books and records of the Wasatch County Recorder; and the Original Developer Western States Ventures, L.L.C and the current Developer Holmes Western Deer Springs, LLC entered that certain *First Amendment to the Master Development Agreement for Deer Springs Community* which was recorded on September 15, 2020 as Entry No. 484657 in the official books and records of the Wasatch County Recorder, (collectively, as amended, the “MDA”). The MDA governs and encumbers the real property shown on **Exhibit A** attached hereto (“**Property**”).

B. The Original Developer has conveyed the Property to the current Developer. The Original Developer has also assigned its rights, titles, interests, duties, obligations and liabilities to and under the MDA to the current Developer, and the current Developer has accepted the assignment and assumed Original Developer’s duties, obligations and liabilities under the MDA, which assignment has been and/or is consented to by the Town.

C. The Town and Developer desire to amend the MDA by making certain modifications to the terms and conditions thereof. Owner acknowledges and accepts this Amendment as a modification to the terms of the MDA which are binding on the Property.

D. Pursuant to Section 25 of the MDA, the parties can amend the terms of the MDA by means of a written document signed by the Town and Developer.

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

#### **AMENDMENT**

1. **Recitals Incorporated.** The foregoing recitals are incorporated into, and made part of, this Second Amendment.
2. **Definitions.** Capitalized terms used in this Second Amendment but not otherwise defined shall have the meaning set forth in the MDA, if a meaning is provided.
3. **Amendment to Phasing Plan.** The Phasing Map, attached as Exhibit B-2.1 to the MDA, is hereby deleted in its entirety and replaced with Exhibit B-2.2, attached to this Second Amendment. For all purposes under the MDA, references to the Phasing Map shall, hereafter, mean and refer to Exhibit B-2.2, attached hereto. Exhibit B-2.2 modifies the intended location of certain of the single family home sites and Townhome sites within the Project from the layout shown on Exhibit B-2.1 (the prior phasing map). Exhibit B-2.2 also changes the boundaries of various Phases within the Project. However, notwithstanding the change to the location of certain single family home sites and Townhome sites and the change to various Phase boundaries, the Maximum Residential Units within the Project have not changed. Developer will not be permitted to construct more than one hundred eighty-eight (188) Townhome units within the Project and will

not be permitted to construct more than sixty (60) detached single family units within the Project. Notwithstanding the foregoing, when Developer submits final Plats for the Project, Developer may elect to pursue less density for each phase than is currently illustrated on Exhibit B-2.2.

4. **Amendment to Additional Compensation and Monetary Payment.** As more fully set forth therein, Section 10 of the MDA states in part: “Developer shall provide the Additional Compensation the Maintenance Building and either of the other two (2) options set forth below. . . .” As more fully set forth therein, the first sentence of Section 10.4 of the MDA states: “In addition to the Maintenance Building, the Town may elect to receive a cash payment of Six Hundred Thousand Dollars (\$600,000.00).” The second sentence of Section 10.4 is hereby deleted and replaced by the following sentence: “If the town elects a cash payment then Developer shall pay the Town Six Hundred Thousand Dollars (\$600,000.00) at or prior to the recording of the final Plat for Phase 2A or Phase 2B, (or Phases 3, 4, 5, 6, 7 or 8), whichever of such final Plats is to be recorded first; and no certificate of occupancy will be issued for a Residential Dwelling Unit in Phases 2A, 2B, 3, 4, 5, 6, 7 or 8 until the full amount of the Six Hundred Thousand Dollars (\$600,000.00) payment is received by the Town.” The Town acknowledges and agrees that the Town: previously elected to receive a cash payment of Six Hundred Thousand Dollars (\$600,000.00), pursuant to Section 10, (including Section 10.4), of the MDA; and previously agreed that the cash payment of Six Hundred Thousand Dollars (\$600,000.00) would be paid during Phase 2 of the Project. As to the above referenced payment of Six Hundred Thousand Dollars (\$600,000.00) under Section 10, (including Section 10.4), of the MDA, the Town hereby acknowledges and agrees that a prepayment of Sixty Thousand Dollars (\$60,000.00) has already been paid by Developer to, and received by, the Town. Accordingly, the Town hereby acknowledges and agrees that only Five Hundred Forty Thousand Dollars (\$540,000.00) remains

to be paid by Developer to the Town under Section 10, (including Section 10.4), of the MDA. To the extent there are any other terms in the MDA that are inconsistent with this Second Amendment, the terms of this Second Amendment control over any such other terms in the MDA.

5. **Approval by Town Council.** This Second Amendment was approved by the Town Council on \_\_\_\_\_, 202\_\_.

6. **Scope of this Second Amendment.** Other than as specifically amended herein by this Second Amendment, the terms and conditions of the MDA shall remain in full force and effect.

*[End of Amendment. Signatures Follow.]*



IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of this \_\_ day of \_\_\_\_\_, 202\_\_.

ORIGINAL DEVELOPER  
Western States Ventures, LLC

TOWN  
Town of Hideout

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

OWNER AND CURRENT DEVELOPER  
Holmes Western Deer Springs, LLC

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Approved as to form:

Attest:

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Town Clerk

TOWN ACKNOWLEDGMENT

STATE OF UTAH                    )  
  :ss.  
COUNTY OF WASATCH         )

On the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the Mayor of the Town of Hideout, a Utah municipal corporation, and that said instrument was signed in behalf of the Town by authority of its governing body and said Mayor acknowledged to me that the Mayor executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH )

:ss.

COUNTY OF SALT LAKE )

On the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the manager of Western States Ventures, LLC , a Utah limited liability company, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

\_\_\_\_\_  
NOTARY PUBLIC

OWNER ACKNOWLEDGMENT

STATE OF UTAH )

:ss.

COUNTY OF SALT LAKE )

On the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the manager of Holmes Western Deer Springs, LLC , a Utah limited liability company, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT A**  
**(Legal Description)**

A parcel of land lying and situate in Section 7, and the South Half of Section 6, Township 2 South, Range 5 East, Salt Lake base and Meridian. Basis of bearing for subject parcel being South 89°04'46" West 2641.14 feet measured with the north line of the Northeast Quarter of said Section 7. Subject parcel being more particularly described as follows:

Commencing at the Northeast Corner of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian, thence South 89°04'46" West 2094.25 feet to a point on the southwesterly Right of Way line of SR 248 and the True Point of Beginning;

Thence the following three (3) courses coincident with said right of way

1) South 48°59'43" East 465.48 feet; 2) South 65°52'29" East 259.50 feet to a point of curvature; 3) Southerly 286.49 feet along the arc of a 3709.27 foot radius curve to the right (center bears South 48°39'09" West) through a central angle of 04°25'31"; Thence departing said right of way North 66°35'25" East 71.73 feet to a point on the extant corporate limits of Hideout Town;

Thence the following three (3) courses coincident with said corporate limits

1) South 23°24'35" East 1340.24 feet; 2) South 25°29'35" East 538.64 feet;

3) South 26°23'32" West 505.11; Thence the following ten (10) courses coincident with Tax Parcel 00-0007-2004 and the prolongation thereof,

1) North 88°03'26" West 366.84 feet; 2) North 11°18'22" East 459.43;

3) North 81°59'52" West 8.62 feet; 4) North 78°32'09" West 38.85 feet;

5) North 89°38'58" West 53.64 feet; 6) North 81°33'13" West 326.73 feet;

7) North 83°24'39" West 154.75 feet; 8) North 85°09'53" West 155.77 feet;

9) South 00°34'00" West 516.71 feet; 10) North 88°02'03" West 850.24 feet to the easterly right of way line of Jordanelle Parkway; Thence the following eight (8) courses, coincident with the easterly right of way line of said Parkway, 1) North 62°53'59" East 171.88 feet to a point of curvature; 2) Northerly 973.14 feet along the arc of a 598.69 foot radius curve to the left (center bears North 27°06'01" West) through a central angle of 93°07'52" to a point of tangency; 3) North 30°13'53" West 228.80 feet to a point of curvature; 4) Northerly 528.29 feet along the arc of a 930.37 foot radius curve to the right (center bears North 59°46'07" East) through a central angle of 32°32'03" to a point of tangency; 5) North 02°18'10" East 427.16 feet to a point of curvature; 6) Northerly 99.71 feet along the arc of a 741.78 foot radius curve to the left (center bears North 87°41'50" West) through a central angle of 07°42'07" to a point of compound curvature; 7) Northwesterly 437.16 feet along the arc of a 537.50 foot radius curve to the left (center bears South 84°36'03" West) through a central angle of 46°35'59" to a point of reverse curvature; 8) Northwesterly 438.88 feet along the arc of a 1005.37 foot radius curve to the right (center bears North 38°00'07" East) through a central angle of 25°00'42"; Thence departing said right of way North 62°56'24" East 48.90 feet along a radial line to a point on the westerly boundary of Tax Parcel 00-0013-6221; Thence the following five (5) courses coincident with the perimeter of said parcel 1) Northwesterly 106.28 feet along the arc of a 955.37 foot radius curve to the right (center bears North 62°56'24" East) through a central angle of 06°22'27" to a point of tangency; 2) North 20°41'09" West 282.00 feet; 4) North 69°08'44" East 50.00 feet; 5) South 20°41'09" East 87.08 feet; 6) North 45°03'33" East 105.29 feet to a point on the westerly right of way of SR-248; Thence the following two (2) courses coincident with said right of way 1) South 56°09'40" East 687.17 feet; 2) South 48°59'43" East 232.71 feet to the point of beginning.

Contains 3,566,877 sq. ft. or 81.88 acres

A parcel of land lying and situate in the North Half of Section 7, and the Southeast Quarter of Section 6, Township 2 South, Range 5 East, Salt Lake base and Meridian. Basis of bearing for subject parcel being South 89°04'46" West 2641.14 feet measured with the north line of the Northeast Quarter of said Section 7. Subject parcel being more particularly described as follows:

Commencing at the North Quarter Corner of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian, thence South 89°06'24" West 503.97 feet to the True Point of Beginning:

Thence North 04°23'00" East 499.65 feet coincident with the west line of Wasatch County Tax Parcel 00-0020-3848; Thence North 69°18'51" East 1.49 feet to a point on the westerly right of way line of Jordanelle Parkway; Thence following seven (7) courses, coincident with the westerly right of way line of said Parkway, 1) Southerly 6.90 feet along the arc of a 594.78 foot radius curve to the right (center bears South 69°19'56" West) through a central angle of 00°39'54" to a point of tangency; 2) South 20°00'11" East 263.39 feet to a point of curvature; 3) Southerly 603.31 feet along the arc of a 1080.37 foot radius curve to the left (center bears North 69°59'49" East) through a central angle of 31°59'45" to a point of reverse curvature; 4) Southerly 376.16 feet along the arc of a 462.50 foot radius curve to the right (center bears South 38°00'04" West) through a central angle of 46°35'59" to a point of compound curvature; 5) Southerly 89.63 feet along the arc of a 666.78 foot radius curve to the right (center bears South 84°36'03" West) through a central angle of 07°42'07" to a point of tangency; 6) South 02°18'10" West 427.16 feet to a point of curvature; 7) Southerly 43.39 feet along the arc of a 1005.37 foot radius curve to the left (center bears South 87°41'50" East) through a central angle of 02°28'22" to a point of curvature; Thence departing said westerly right of way South 89°53'38" West 83.72 feet coincident with the south boundary of said Wasatch County Tax Parcel 00-0007-1964; Thence the following two (2) courses coincident with the west boundary of said Tax Parcel, 1) North 28°16'22" West 135.68 feet; 2) North 26°20'22" West 1114.00 feet to the point of beginning.

Contains 391,297 sq. ft. or 8.98 acres

A parcel of land lying and situate in the Southwest Quarter of Section 6, Township 2 South, Range 5 East, Salt Lake base and Meridian. Basis of bearing for subject parcel being South 89°04'46" West 2641.14 feet measured coincident with the south line of the Southwest Quarter of said Section 6. Subject parcel being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 6, thence North 33°23'22" West 638.87 feet to the True Point of Beginning;  
Thence South 20°41'09" East 20.00 feet; Thence South 69°08'44" West 120.71 feet;  
Thence North 20°41'09" West 13.10 feet to a point of curvature; Thence Northerly 6.90 feet along the arc of a 594.78 foot radius curve to the right (center bears South 69°19'56" West) through a central angle of 00°39'54"; Thence North 69°08'44" East 120.51 feet to the point of beginning.

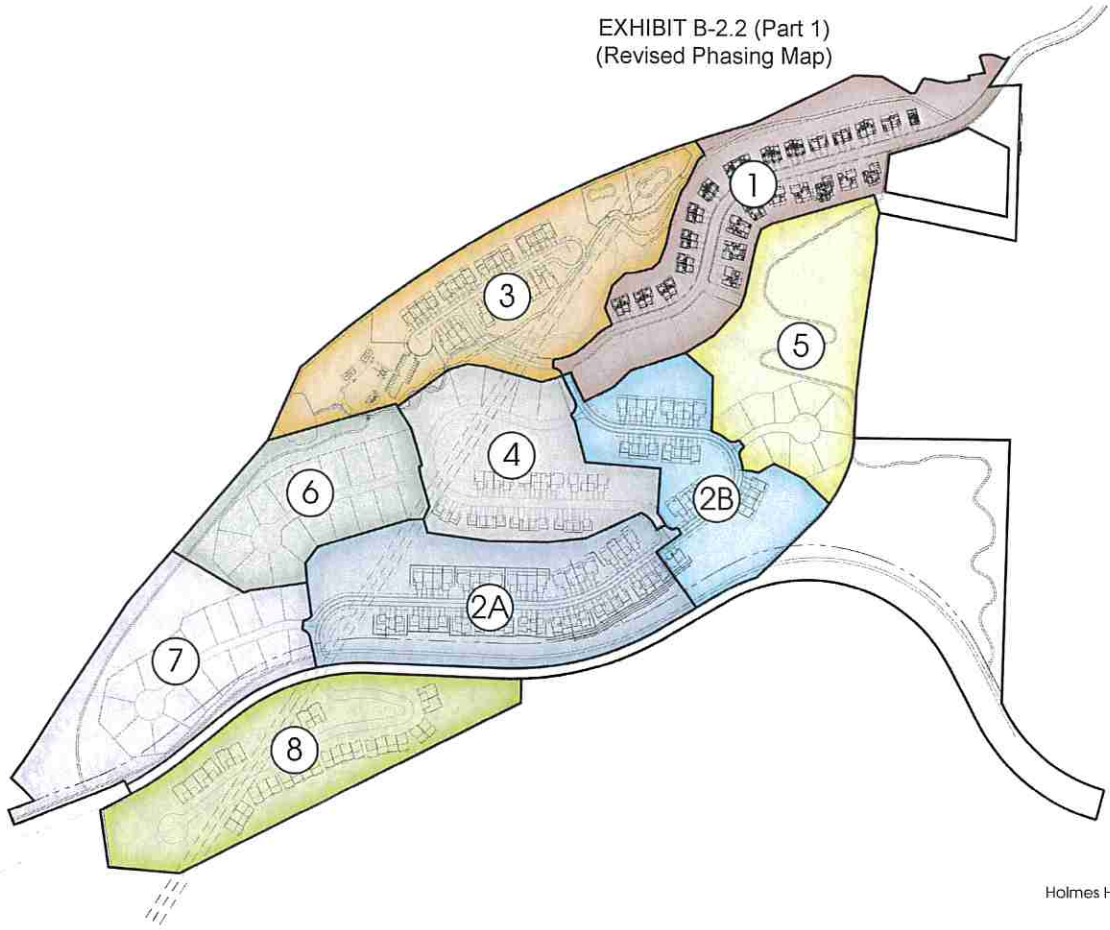
Contains 2,412 sq. ft. or 0.06 acres

21-3164

21-3161

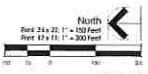
21-3163

EXHIBIT B-2.2 (Part 1)  
(Revised Phasing Map)



Phasing Plan

	Single Family Units	Residential Care Units (RCU)	Total Units
Phase 1	18	18	36
Phase 2A	28	20	48
Phase 2B	18	12	30
Phase 3	2	22	24
Phase 4	3	12	15
Phase 5	8		8
Phase 6	12		12
Phase 7	16		16
Phase 8	30	12	42
<b>Total</b>	<b>125</b>	<b>64</b>	<b>189</b>



DEER SPRINGS

Holmes Homes · 126 West Segoe Lily Drive, Suite 250 · Sandy, Utah


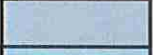




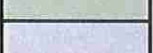
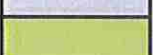



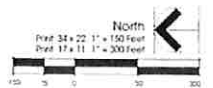
R. MICHAEL KELLY CONSULTANTS  
LAND PLANNING | LANDSCAPE ARCHITECTURE

111 West 101st North, Suite 250 | 801.734.1111 | www.rmikelly.com

EXHIBIT B-2.2 (Part 2)  
(Revised Phasing Chart)

# Phasing Plan . Deer Springs, Hideout, Utah . Holmes Homes

	Single family lots	Townhomes		Total Units
		Uphill Units	Downhill Units	
 Phase One	15	18	12	45
 Phase Two A		28	20	48
 Phase Two B		14	12	26
 Phase Three			27	27
 Phase Four	3	15	12	30
 Phase Five	9			9
 Phase Six	17			17
 Phase Seven	16			16
 Phase Eight		20	10	30
Totals	60	95	93	248



23 APR 2018  
Phasing Plan

## DEER SPRINGS

Hideout, Utah

Holmes Homes . 126 West Segoe Lily Drive, Suite 250 . Sandy, Utah



R. MICHAEL KHY CONSULTANTS

Land Planning | Landscape Architecture

PH: 304.309.9500 • FAX: 304.309.9501 • www.rmkhy.com



**File Attachments for Item:**

1. Presentation and discussion of an initial concept plan of a planned community development project on the Salzman property



## Staff Report for Skyhawk – Concept Plan Review

To: Chairman Tony Matyszczyk  
Town of Hideout Planning Commission

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

Re: Skyhawk Concept Plan Review

Date: 14 December 2021

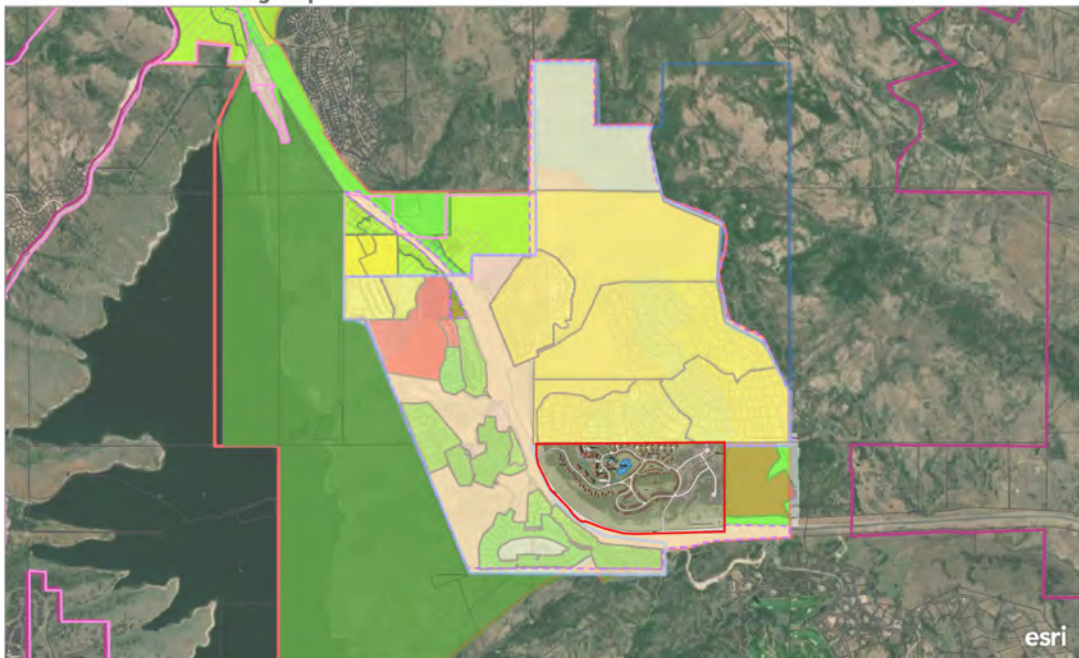
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*Submittals: Concept Plan Application and Master Plan (9 December 2021)*

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

Town of Hideout Planning Map



Planning map for the Town Of Hideout

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



### Site Characteristics

- Total Acres of Site: 107 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

### Overview of Proposed Concept

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

### Planning Issues & Concerns for Discussion

- Density: A 600% increase beyond existing allowances requires a thorough discussion of the 'gives and gets' associated with a conceptual up-zoning of such scale.
- 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. +/- 15 - 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.
- 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.



**Open Space/Buffers:** The development should have clustered areas with significant open space buffers providing park/trail opportunities. This is especially true where the proposed concept plan proposes six-plex buildings up against the single-family fabric proposed and entitled on the south side of Golden Eagle. Trails should connect to the adjacent neighborhoods and across (under or over) SR 248.

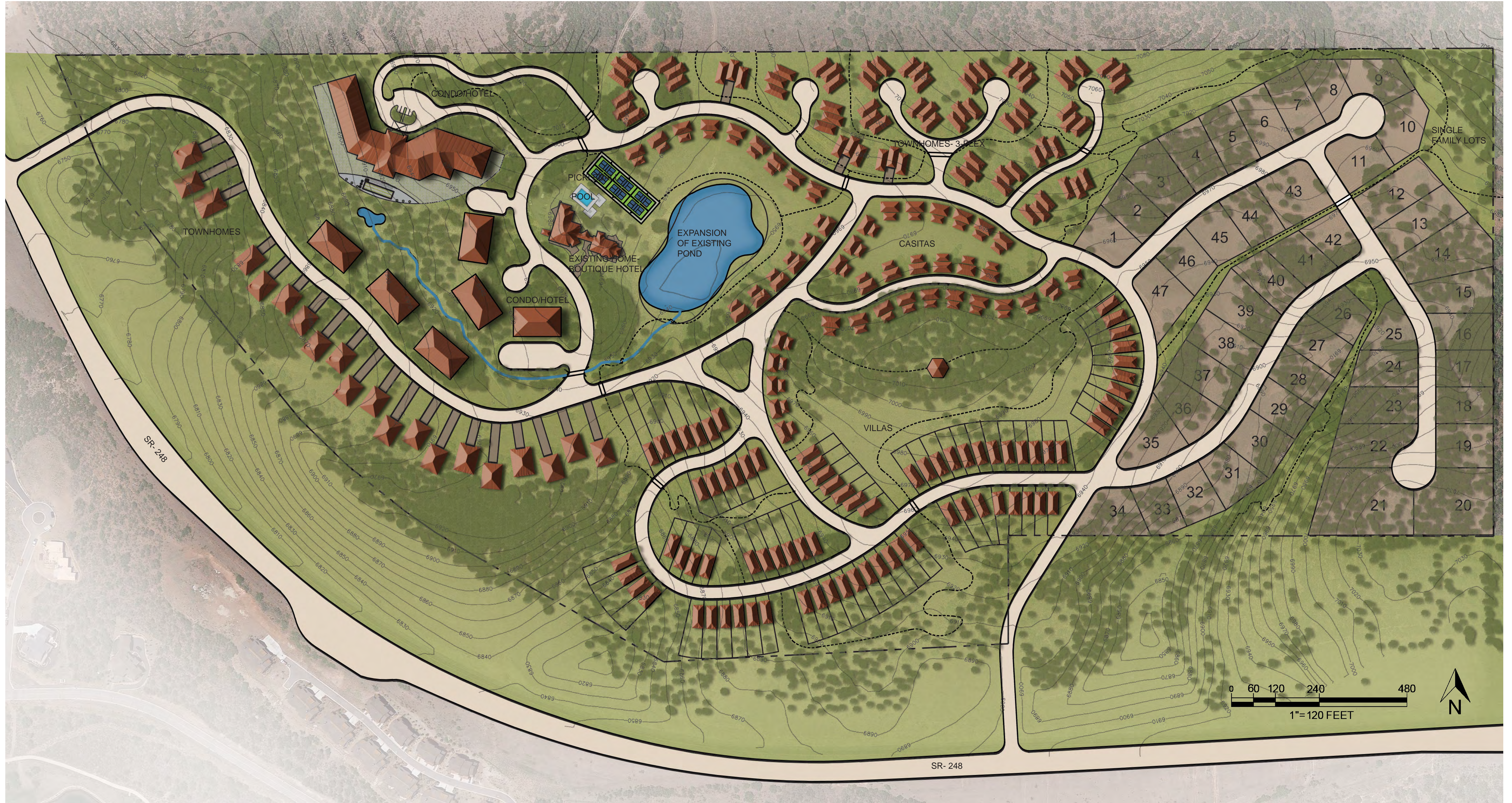
**Infrastructure:** Issues regarding water rights and availability must be addressed. How will the road infrastructure be built and financed? A Public Improvement District (PID) has been discussed in prior meetings with the developers; intent and details should be clarified.

### **Next Steps**

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

No action is necessary or permitted at this time (not all concept plan requirements have been submitted per HTC 11.06.18), however staff thought it was important to begin the review and input process with the Planning Commission.

A concept plan application is an opportunity for the Planning Commission to coordinate the 'gives and gets' of possible future development opportunities with the developers. Can a partnership be made that ensures the Town gets what it needs on the last large piece of undeveloped (and unentitled) with up-zoning that must be consistent with the General Plan and can the developer make the financials work. Such a partnership needs to be a win-win endeavor for both parties. The proposed concept plan is the first iteration to open this partnership discussion. The Planning Commission should relay all concerns, missing components, and ideas so that the next iteration of a concept plan includes the pieces in a comprehensive manner.



**BOULDERS AT HIDEOUT**  
 MASTER PLAN

**SKYHAWK**  
 DEVELOPMENT

10.04.21



**From:** Ryan Sapp <[rsapp@hideoututah.gov](mailto:rsapp@hideoututah.gov)>

**Sent:** Friday, December 17, 2021 6:48 AM

**To:** Kathleen Hopkins <[khopkins@hideoututah.gov](mailto:khopkins@hideoututah.gov)>

**Cc:** Tony Matyszczuk <[anthony@hideoututah.gov](mailto:anthony@hideoututah.gov)>; Polly McLean <[pmclean@hideoututah.gov](mailto:pmclean@hideoututah.gov)>; Thomas Eddington Jr. <[thomas@inplandesign.com](mailto:thomas@inplandesign.com)>; Ryan Taylor <[rtaylor@to-engineers.com](mailto:rtaylor@to-engineers.com)>; Alicia Fairbourne <[afairbourne@hideoututah.gov](mailto:afairbourne@hideoututah.gov)>; Bruce Woelfle <[bwoelfle@hideoututah.gov](mailto:bwoelfle@hideoututah.gov)>

**Subject:** Re: Materials for Thursday Planning Commission Meeting

Commissioners,

(I don't have everyone's email on my phone. Kathleen or Alicia would you mind forwarding to this I don't have? Thank you.)

Here's my thoughts and input from last night's meeting on Sky Hawk.

I think 600+ units is too many when it's zoned for roughly 85 single family homes.

I agree commercial should be located to be seen from hwy 248. Studies show that Whole Foods sales increase 30% when the store can be seen from a highway. The last thing we need are empty commercial spaces.

Restaurants in hotels. I don't feel these are ideal. I drive by Black Rick ten times a day. It's a hassle to park and walk through a hotel. I only go because it's the only option. Do we need two more that can't be seen from the highway? I could be talked into a stand alone by the highway but not one at a destination hotel. I mean even Black Rock needs to put a huge "restaurant" sign on its building.

A place to grab a gallon of milk. I believe there are better options on the table for this. The intersection of 248 and Browns canyon will happen eventually. Another possible one on the debated annexed parcel.

McKay said most commercial and restaurants will not come to the hideout area because we don't have enough density. Locating the commercial where no one can see it seems like a bad idea. On top of that they want us to give them enough density to support their commercial. If it's only the 600 units that know the commercial is there I don't see there being enough traffic.

Another thing to consider. If we allow that much more density imagine what Bob will bring to the table with his remaining properties.

Access. They have two ingress and egress to the property. Neither line up with any other roads. I have a hard enough time making a left turn coming out of Hideout. I don't think adding 600 units and commercial with two more highway entrances is a smart idea. I believe those should line up with accesses we already have as both Tuhaye and Hideout will have lights eventually I assume. (Probably my biggest issue as it's a life safety issue. If anyone ever got in an accident there I would feel terrible and responsible)

Water. I feel we need a definitive answer on how much water is available before we spend more time on this project. Can they get water? Does this put us over our allowable units for Hideout? (question for Polly)

Yes we need a community center. I am 1000% for this. It doesn't need to be close to the highway. We will all know about it. I am open to striking a balance for additional units, commercial and a community center. I am more than willing to put in the time with all of you to find a balance I just want to make sure we have a thoughtful plan that will enhance our community.

--

Ryan Sapp  
Hideout City Planning Commission

**File Attachments for Item:**

2. Consideration of establishing the 2022 Planning Commission meeting schedule



**2022 ANNUAL MEETING SCHEDULE FOR THE MEETINGS OF THE  
PLANNING COMMISSION OF HIDEOUT UTAH**

Pursuant to §52-4-202 of the Utah Code, the Town of Hideout hereby gives notice that the Hideout Planning Commission will generally hold its regular Planning Commission meetings for the 2022 calendar year on the third Thursday of each month. The regular meetings generally begin at 6:00 pm and are held at the Town offices located at 10860 N. Hideout Trail, Hideout, Utah, 84036 unless otherwise noticed.

January 20, 2022

July 21, 2022

February 17, 2022

August 18, 2022

March 17, 2022

September 15, 2022

April 21, 2022

October 20, 2022

May 19, 2022

November 17, 2022

June 16, 2022

December 15, 2022