



HIDEOUT, UTAH PLANNING COMMISSION
SITE VISIT, REGULAR MEETING AND PUBLIC HEARING
September 16, 2021
Amended 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, September 16, 2021

This meeting will be an electronic meeting without an anchor location pursuant to Planning Commission Chair Anthony Matyszczuk's September 6, 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/>

5:00 PM

Site Visit of Deer Springs Location for Future Phase for a possible Apartment Building and Creekside – No discussion or action will be taken on site (Site Visit will be in-person, outside, masks required)
Convene at Hideout Public Works Building (12497 Belaview Way)

6:00 PM

Regular Meeting

I. Call to Order

1. [September 6, 2021 No Anchor Site Determination Letter](#)

II. Roll Call

III. Approval of Meeting Minutes

1. [August 9, 2021 Planning Commission Minutes DRAFT](#)

IV. Work Session

1. [Discussion regarding Apartment Building at Deer Springs for future phasing](#)

V. Public Hearing

1. [Continue discussion of the Official Zoning Map of the Town of Hideout and potential recommendation to Town Council](#)

VI. Agenda Items

1. [Ratification of KLAIM Phases 1 and 2 subdivision and plat amendment](#)

VII. 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. September 6, 2021 No Anchor Site Determination Letter



September 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(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 12.59% of those tested since September 1, 2021. The seven-day average number of positive cases has been, on average, 1382 per day since September 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

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

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

BY:

Tony Matyszczyk,
Planning Commission Chair

ATTEST:

Kathleen Hopkins, Deputy Town Clerk



File Attachments for Item:

1. August 9, 2021 Planning Commission Minutes DRAFT

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Minutes
Town of Hideout
Planning Commission Public Hearing and Special Meeting
August 9, 2021
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Public Hearing and Special Meeting on August 9, 2021 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:14 PM and read the current no anchor site determination letter in its entirety. All attendees were present electronically.

II. Roll Call

PRESENT:

Chair Tony Matyszczyk
Commissioner Ryan Sapp (arrived at approximately 6:26 PM)
Commissioner Glynnis Tihansky
Commissioner Donna Turner
Commissioner Bruce Woelfle
Commissioner Rachel Cooper (alternate)

STAFF PRESENT:

Thomas Eddington, Town Planner
Polly McLean, Town Attorney
Alicia Fairbourne, Town Clerk
Kathleen Hopkins, Deputy Town Clerk

OTHERS IN ATTENDANCE: Greg Geyer, Bret Rutter, Lindsay Payeur, Megan McJames, Brian Amerige, Laurie Tippet, Helen Strachan, Allison McKinnon, Laura Downey, Sean Philipoom, Carol Tomas, Rick Brough, Chip Schneider, Alexander Kramer, Michael Hicks, Jack Walkenhorst, Elder Stewart, Jim Wahl, Dani Kazienko, Maren Geary, Scott Peters and others who may not have signed in using proper names via Zoom.

III. Approval of Meeting Minutes

There were no comments on the draft minutes of the May 20, 2021 Planning Commission meeting.

Motion: Commissioner Tihansky made the motion to approve the May 20, 2021 Planning Commission Minutes. Commissioner Woelfle made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner and Woelfle. Voting Nay: None. The motion carried.

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IV. Public Hearings

1. Amend the AMDA (Annexation Master Development Agreement) for the Silver Meadows Annexation to revise several deadlines in light of the District Court’s ruling finding the Annexation is invalid and the appeal thereof.

Town Attorney Polly McLean provided an overview of this item and the status of current litigation. She noted the district court had ruled the Annexation invalid and the filing of an appeal was anticipated. As a result, several dates detailed in the AMDA would not be met, so this amendment was being requested to update those dates and to reflect the status of this ongoing litigation. She referenced the copy of the executed AMDA which had been provided in the meeting materials as a reminder of the sections which were highlighted to reflect the updated dates.

Ms. McLean responded to Chair Matyszczyk’s question to confirm the extension was to bring the date to 120 days after the final resolution of the case. Commissioner Woelfle asked for details on what the process would be after 120 days should the Annexation be approved. Ms. McLean explained the AMDA allowed the Town to void the agreement if the developer did not meet its obligations, but it would be the town's option whether to do so. The Agreement was intended to provide the developer a reasonable amount of time to fulfill its obligations although the contract could be amended in the future.

There being no further questions from the Planning Commission, Chair Matyszczyk opened the floor to public comment at 6:23 PM.

Mr. Chip Schneider asked if there was an estimate of the Town's expenses related to the ongoing litigation related to the Annexation. Ms. McLean responded the cost to the Town was not much as the developer had assumed responsibility for these costs and indemnified the Town under the pre-annexation agreement. She also noted the developer had been paying these costs throughout the process.

There being no further comments from the public, the Public Hearing for the Amendment to the AMDA closed at 6:25 PM.

Motion: Commissioner Woelfle made the motion to accept and forward to the Town Council the amendment to the AMDA to revise several deadlines in light of the District Court's ruling finding the Annexation is invalid and the appeal thereof. Commissioner Cooper made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner and Woelfle. Voting Nay: None. The motion carried.

2. Ratify and adopt the Official Zoning Map of the Town of Hideout

Chair Matyszczyk invited Mr. Thomas Eddington, Town Planner to discuss the zoning map under consideration. Mr. Eddington stated the objective here was to ensure the correct zoning map was the Town’s official zoning map. The Town’s General Plan adopted in 2019 contained a map which was similar to the map on the Wasatch County website, but as additional subdivisions were approved and the town staff researched back records to understand the zoning on the ground, they found those maps did not reflect what had been subsequently approved and built. Recent Master Development Agreements (MDA’s) were reviewed along with the Mustang MDA to create a color zoning map with better detail on the location of various density pods within the MDAs. Mr. Eddington shared two versions of the town zoning map. The first version contained a color overlay of the density pods in the various developments. He noted this map was the last approved zoning map which had not been updated to include the subdivisions which were subsequently approved, what was actually built

1 and other zoning changes adopted. He noted areas where the platting on the ground (as built) did not
2 match the official zoning map. He suggested the adoption of the first map as an initial step and then
3 work on the Draft Proposed Zoning Map to clean up several areas that did not conform with current
4 zoning or land use. He suggested the Planning Commission consider approval of the revised Draft
5 Proposed Zoning map as a second step after a number of inconsistencies had been addressed and
6 density pods accurately assigned. He explained that density pods can be expanded into different areas
7 through a process of MDA amendment. He summarized the first map as being what town staff
8 believed was the current zoning map and the second map was a starting point for discussion and clean
9 up to reflect what the new official zoning map should be.

10 Mr. Eddington stated this session was intended to hear input on the maps but did not request approval
11 at this time.

12 Ms. McLean added in addition to the original town zoning map not being formally adopted at the
13 time the Mustang MDA was approved, there was no official zoning map adopted when the Town
14 General Plan was originally approved or when it was updated in 2019. She stated these official zoning
15 map adoptions were required by State law, but there were no records of Town Ordinances which
16 showed such approvals had been made. This process was intended to rectify these omissions and
17 provide a current map for use going forward.

18 Commissioner Bruce Woelfle asked whether the current zoning designation for the Shoreline
19 development was appropriate. Mr. Eddington replied it could change with the density allocated to
20 future phases and could include some commercial zoning. Ms. McLean noted the density pods could
21 change with market conditions and developer needs. She also stated the density pods were viewed as
22 zoning and were adopted as part of the Master MDA.

23 Commissioner Woelfle asked for clarification on the different density pod and zoning designation
24 definitions which Mr. Eddington addressed.

25 Mr. Eddington stated not all density pods were assigned in the proposed map and it would be up to
26 the Planning Commission and Town Council to approve with future phases. He pointed out several
27 areas which would probably require re-zoning to match the ongoing intended development. He
28 suggested the map should ultimately be approved to reflect the currently approved zoning and density,
29 and then be updated over time as the Town approved new zoning changes.

30 After hearing questions and comments from several of the Commissioners, Chair Matyszczyk
31 opened the floor for public comment at 6:57 PM.

32 Ms. Allison McKinnon asked why there was no current town zoning map. Mr. Eddington responded
33 this issue dated back many years and was being cleaned up now. He cited an example of a
34 development which was approved in 2017 without a map included in its application documents.

35 Mr. Bret Rutter asked about the zoning of the golf course hole #2 near Glistening Ridge which
36 appeared to be different than the rest of the golf course. He shared his concern that the golf course
37 could be sold and developed for other purposes which was not what he and his neighbors expected
38 when purchasing their property. He also noted the zoning classification in Golden Eagle did not seem
39 consistent with the development. He asked that whatever prior mistakes had been made and which
40 were reflected in the town zoning not be allowed to go forward. Mr. Eddington acknowledged this
41 concern and noted a Public Hearing would be part of any process to re-zone in the future. In answer
42 to Mr. Rutter's question about future re-zoning procedures, Mr. Eddington responded such a potential
43 future re-zoning process would not involve approval from adjacent property owners but would
44 require a public notice process and both Planning Commission and Town Council approvals.

1 Ms. Dani Kazienko asked if this plan had been compared to the design guidelines. Mr. Eddington
2 explained the current zoning was currently based on the MDA and design guidelines could not be
3 less restrictive than town code and zoning.

4 Ms. Megan McJames shared Mr. Rutter's concerns regarding any potential re-zoning and future
5 development of the golf course and asked what could be done to ensure surrounding property owners'
6 views were not compromised. Mr. Eddington responded to the extent the MDA was approved with
7 certain entitlements the Town would be bound to those approvals. Public notice would be given of
8 any proposed zoning changes.

9 Mr. Brian Amerige asked for more details on density pods and density limits. Mr. Eddington
10 explained base density in the MDA and density allocations which were dispersed into density pods
11 which could change with subsequent phases. Ms. McLean noted the overall density was set in the
12 MDA with underlying pod density to change subject to size and location of future phases. She added
13 the ultimate density cannot be more than the total density allocated in the MDA. In response to a
14 question from Mr. Amerige on the zoning of the golf course, Mr. Eddington responded yes, the golf
15 course zoning could potentially be changed to single family if the developer requested it and followed
16 the notice requirements and met the Town approval process. Ms. McLean added any consideration
17 to change zoning would be very fact specific and would be considered under the terms of the MDA.
18 Mr. Amerige stated the importance of community input in the event the golf course was ever
19 requested to be re-zoned and developed for other purposes.

20 Mr. Chip Schneider stated he was happy to see this matter of an official town zoning map being
21 cleaned up and was pleased to see some areas for potential commercial zoning, especially if the
22 Annexation did not proceed. He encouraged the Town to plan for more commercial zoning in order
23 to diversify the tax base long-term. He asked if water needs were properly factored into the planning
24 and approval process given the higher density. Mr. Eddington stated work was being done to identify
25 commercial projects. He also noted the density had been established under the MDA and stated the
26 developers were obligated to obtain sufficient water rights and allocations as part of the approval
27 process prior to construction. Mr. Schneider noted his concerns with long term availability of water.

28 Ms. Laurie Tippet asked if the Town zoning map was missing. Mr. Eddington responded the staff
29 could not locate an officially adopted zoning map and reiterated the proposed map was intended to
30 show the current conditions based on what had been included in the MDAs and currently built in
31 order to identify what should be cleaned up. Ms. Tippet asked if the golf course could be re-zoned
32 and developed for single family homes in the future. Mr. Eddington responded the master developer
33 could potentially request an amendment to the MDA and go through a review and approval process.
34 Ms. McLean added it was difficult to give a more specific answer on the questions regarding potential
35 re-zoning and development of the golf course as there was no application under review. If such an
36 application was made, the Town would go back to the original agreement and review zoning rights
37 under the agreement and any amendments. She noted the initial zoning did reflect what was zoned at
38 that time. Ms. Tippet stated when she purchased her two lots in 2014, she was told there would be no
39 change in the golf course. She would feel deceived if this occurred. Ms. Tippet also asked for
40 clarification on the zoning of the state park which was located within boundaries. Mr. Eddington
41 responded the town did not hold any jurisdiction over the state park or Jordanelle reservoir.

42 Mr. Rutter asked for additional clarification on the zoning of hole #2 of the golf course and asked
43 what the process would be if the owner wanted to plat it into individual lots to develop as individual
44 home lots. Ms. McLean responded she could not speak to such specific questions without an actual
45 application being made. She did not want to speculate on a situation which was not being requested
46 by the current property owner. Mr. Rutter asked if the Town adopted the map as it stands, would it
47 give the developer Mustang any leeway to develop hole #2 of the golf course given its existing zoning

1 status. He asked whether the entire golf course should be under a common zoning designation to
2 ensure it remained open space rather than some higher density development.

3 There being no further public comments, the Public Hearing regarding the Town's official zoning
4 map was closed at 7:38 PM.

5 Chair Matyszczyk requested the matter of the zoning map approval should be continued to the next
6 meeting so the town staff could continue its research and complete a proposed version of a revised
7 map with complete density pod designations.

8 Commissioner Rachel Cooper asked if there was any opportunity to preserve land for open spaces.
9 Mr. Eddington noted there was an Open Space District in the town code but there was not much land
10 not already designated for development. He also stated the best way to preserve land would be for
11 the Town to purchase it.

12 Deputy Clerk Kathleen Hopkins asked if the emails received prior to the meeting should be
13 addressed. Ms. McLean stated the email comments were shared with the Planning Commissioners
14 and would be added to the public record documents.

15 ***Motion: Commissioner Tihansky made the motion to carry forward until the next Planning***
16 ***Commission meeting the discussion and potential recommendation to ratify and approve the***
17 ***Official Zoning Map of the Town of Hideout. Commissioner Woelfle made the second. Voting***
18 ***Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner, and Woelfle. Voting Nay: None. The***
19 ***motion carried.***

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22 **V. Meeting Adjournment**

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

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

27 The meeting adjourned at 7:43 PM.

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32 _____
33 Kathleen Hopkins, Deputy Town Clerk

File Attachments for Item:

1. Discussion regarding Apartment Building at Deer Springs for future phasing.



Staff Review of Concept Plan Submittal

To: Chairman Tony Matyszczyk
Town of Hideout Planning Commission

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

Re: Deer Springs – Future Phase Proposal

Date: September 15, 2021

Submittals: The Applicant submitted the following plans:

- *Future Phase(s) Proposal for Apartments Above the Jordanelle Parkway*
-

The Applicant, Nate Brockbank, has re-submitted an Application for Concept Review for proposed apartments in a future phase for Deer Springs. This was originally submitted in early 2020 and then set aside as work began on Phases 1 – 3 of the project. The Applicant would like input and direction from the Planning Commission. A site visit is scheduled for this project at 5pm on Thursday, September 16, 2021.

The attached memo from January 2020 is attached for the Planning Commission's review. The proposed apartment configuration has not changed from the package that was submitted at that time. The Applicant is not requesting formal action on the part of the Planning Commission but rather is seeking input on this concept as proposed. Please review the attached memo for a more detailed review but the following are issues that were discussed back in January 2020:

- The Application is for 128 apartments (or 96 ERUs if each is proposed to have less than 1,500 SF).
- The Planning Commission, in January 2020, had concerns about the proposed increase in density – from an allowed 8 units to the proposed 128 apartment units.
- The site is currently zoned Mountain Residential (M) – one unit per acre and the Applicant would like the Planning Commission to consider a rezone to Neighborhood Commercial (NC) or another appropriate district.
- The slopes in this area are quite steep (almost all of the site exceeds 30% slopes).
- The Applicant also proposes a couple of possible commercial pad sites.



Memorandum of Application Review for the Town of Hideout

To: Planning Commission

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

Re: Rezone Application for Deer Springs (Future Phase)

Date: January 22, 2020

Submittals: The Applicant has not submitted a complete plan set to scale; this is required prior to any planning/engineering reviews or approvals.

Overview of Current Site Conditions

Land Area: 8.60 acres

Zoning: Mountain Zoning

MIDA: This property is located within the MIDA boundary

Allowed Uses: Single-family dwellings, rights-of-way, utility infrastructure

Minimum Lot Size: 1 acre

Setbacks: Front: 30'
Rear: 30'
Side (distance between buildings): 20'

Height: 35' maximum

Lot Coverage: 28% of lot area

Open Space Requirement: 20% of area

ERU Allowance: 8 Equivalent Residential Units (1 SF dwelling per acre lot)

Map of Proposed Rezone and Surrounding Area

Proposed Elevation

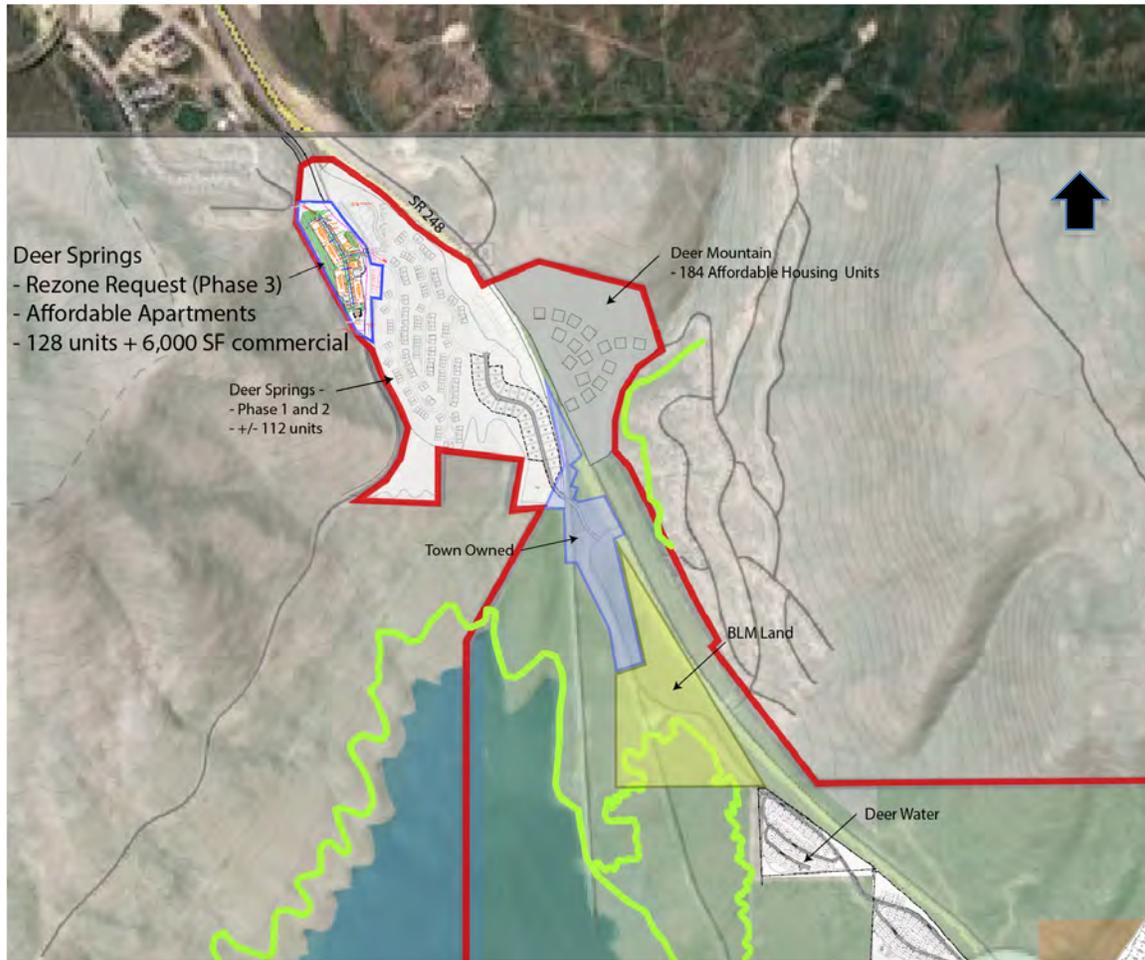


* Applicant to provide an upslope elevation and downslope elevation.

Proposed Site Layout



Site of Proposed Rezone/Development





Proposed Zoning and Uses:

Proposed Zoning:	Neighborhood Commercial (NC)
Proposed Use:	128 Multi-family dwellings (affordable apartments) 1 Clubhouse 2 Retail Pads (3,000 square feet each) <i>* The current NC Zoning District does not allow for residential uses; the proposed NC Zoning District will allow for residential development but that code has not yet been adopted. Any rezone request cannot be approved until the Town Council adopts the new Zoning Code.</i>
Proposed Lot Size:	Not Applicable (+/-15 units/acre)
Proposed Setbacks:	Drawing not to scale; Front: +/-25' Rear: +/-15' Side (distance between buildings): +/- 20'
Proposed Height:	Drawing not to scale (estimated height = +/- 45')
Lot Coverage:	Not provided
Open Space Requirement:	Not provided
Proposed ERUs:	128 x 0.75 (apartment ERU calculation assuming less than 1,500 SF/unit) = 96 ERUs <i>* (1100% [11x] increase in ERUs beyond what is currently allowed per Mountain Zoning; and a 1500% [15x] increase in the number of actual residential units)</i>

Assessment of Site and Proposed Rezoning:

General Plan:

Prior to the technical review of any rezoning request, a review of the Goals of the General Plan must be considered. Section 3.4.1 - Hideout's land use goals are to:

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

The GP further states the importance of: preserving the unique topography, limiting the intensity of development, preserving view sheds (and recommends strict analysis prior to any development approval), stricter zoning language to eliminate unintended flexibility in the zoning districts, and the inclusion of design standards for any development project approved.

Site and Density:

The site in question has very steep slopes, in excess of 60% for most of the site, and would not be considered developable in many jurisdictions. The proposed ERU density, 1100% greater than is allowed by the current Mountain Zoning designation, is significant. As proposed, this development would be the densest development in all of Hideout, including Deer Mountain affordable apartments across SR 248 to the east. Deer Mountain's density is 7 units/acre. The proposed Deer Springs – Future Phase (for rezone) would be 15 units/acre.

It is worth noting that the Town is currently exploring options for a Town Center or Neighborhood Center that could take advantage of some Town-owned property just south of this proposed development. Before any rezoning decisions are decided, it is recommended that this planning work be completed beforehand.



Layout and Design:

The inclusion of some commercial space that would serve as neighborhood commercial (e.g. restaurant, retail, coffee shop, bar/pub or gathering space, bike rentals, etc.) is desirable in this area of Town. Any proposed commercial space in this area should be restricted to the above named uses or similar uses. The two commercial pads identified on the site plan are on the uphill (or the side facing Jordanelle Parkway and SR 248); a restaurant in this location would not be afforded views of the water. Reconfiguring this layout to accommodate these views should be a requirement of any development on this site. This commercial space could possibly be incorporated into a mixed-use building development and occupy the first-floor space.

The slope of the land is such that any development will likely require significant retaining walls (and exposed building footings) on the downslope side. Is the owner prepared to address the functional (engineering) and aesthetic (Town character preservation) issues that are certain to arise? To what extent is the Town willing to alter the community character?

Recommendations:

The Planning Commission should continue this item to a future meeting allowing time for the Town Staff to work with the developer on the issues outlined in this report. There are a number of planning issues that must be mitigated prior to a subsequent administrative review (Planning Commission) and/or final legislative review (Town Council). This proposal would result in a significant increase in density, an increase in building height on the downslope (view shed side), and a larger-than-is-normal-in-Town surface parking layout – all of which lack compliance with the Town’s General Plan. These issues must be discussed in detail and adequately mitigated prior to any additional review or approval/denial.

SR 248
PROJECT NO. NF-61

$L=20.21'$
 $R=1482.69'$
 $\Delta=00^{\circ}46'52''$

$L=21.20'$
 $R=1554.69'$
 $\Delta=00^{\circ}46'52''$

Fnd. PEPG bar/cap
1.16' northerly of
Bndry Line.

IROQUOIS PH 6
AMENDED

ROS #1256

OPEN SPACE

SR 248
PROJECT NO. N

Section 7,
Range 5 East,
12th Meridian,
Cap Monument

$S89^{\circ}05'03''W$ 2659.68'

BASIS
 $S89^{\circ}04'4''$

North Quarter Corner Section 7,
Township 2 South, Range 5 East,
Salt Lake Base and Meridian.
Fnd. Alum. Cap Monument
BLM 1994

Fnd. PEPG bar/cap
 $N=0^{\circ}12'$
 $E=0.44'$

STICHTING
MAYFLOWER

Section 7,
Range 5 East,
12th Meridian,
Cap Monument

POWER CORRIDOR

JORDANELLE
PARKWAY



Fnd. rebar no
 $S=0.15'$
 $E=0.15'$

$S87^{\circ}44'36''E$
Radial

HIDEOUT, UTAH
10860 N. Hideout Trail
Hideout, UT 84036
PLANNING COMMISSION MEETING
January 24, 2020
6:00 p.m.

I. OPENING

Chair Dwinell called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

PRESENT

Chair Jerry Dwinell (Alternate)
Vice Chair Ralph Severini (by telephone)
Member Sara Goldkind (by telephone; joined at 6:24 p.m.)
Member Anthony Matyszczyk
Member Bruce Woelfle
Member Carol Haselton
Alternate Member Kurt Shadle

II. ADMINISTRATION

1. Welcome new Commissioners and announce role changes

Chair Dwinell announced that effective January 2020, both he and Vytas Rupinskas are now members of the Town Council. Consequently, the Mayor approved the following: Tony Matyszczyk and Carol Haselton are full voting members. Mr. Dwinell will serve as an alternate and will continue chairing the meetings until either someone on the Commission is interested in doing so, or if the Mayor designates another chairperson.

2. Approval of Meeting Minutes: December 19, 2019

Commissioner Woelfle moved to approve the minutes of the December 19, 2019 meeting. Commissioner Matyszczyk made the second. Voting Aye: Commissioners Severini, Woelfle, Goldkind, Matyszczyk and Haselton. Voting Nay: None. The motion carried.

III. PUBLIC HEARING

1. Public Hearing - Continuation of public hearing to combine two lots in Forevermore Court (Lots 8 and 9).

Mr. Dwinell reviewed that this item was originally heard in November 2019 and at the time the Commission had some concerns about the frontage in Forevermore Court. Accordingly, the Commission decided to continue this item to consult with Town Attorney, Dan Dansie.

The Petitioner, Bruce Arrow, gave a brief history of his and his wife's purchase of the two lots from Bob Martino. After acquiring these two lots, the Arrows learned of the impaired ingress and egress due to the width and slope of the lots. Thus, upon the recommendation of a realtor, the Arrows are petitioning to combine the two lots to build an approximately 5,500 square foot spec house.

Discussion focused on location and lot frontage. None of the lots (6-10) have the 70-foot frontage required by the Code; further, Lot 10's frontage measures 30 feet with an electrical box in the middle, rendering it unbuildable. Mr. Dwinell recounted that the Commission was concerned with how the owner of Lot 10 would ever be able to build on that lot, and if the Commission were to approve the lot 8 and 9 combination, it would render Lot 10 as a sort of "island". Dan Dansie advised that the Arrows' petition stands on its own and has no effect on Lot 10.

Mr. Dwinell opened the meeting for public comment at 6:24 p.m.

At 6:24 p.m., Commissioner Goldkind joined the meeting by telephone.

With no public comments, the public hearing was closed.

Commissioner Woelfle moved to recommend approval of the petition to the Town Council. Commissioner Haselton made the second. Voting Aye: Commissioners Severini, Woelfle, Goldkind, Matyszyk and Haselton. Voting Nay: None. The motion carried.

2. Public Hearing - Review and potential approve a Zone change request for 8.6 acres of Deer springs (tax parcel 21-3164) from Mountain (with a PPD for Townhomes) to Neighborhood Commercial

Nate Brockbank was present via telephone for the discussion on this agenda item.

Chair Dwinell explained the request concerns a mixed-use zoning for the area, which is among the redefined zones currently undergoing review and revision by the Planning Commission. Further, residents and the Council expressed concerns with how the project would look from different areas within the Town. Consequently, Mr. Dwinell met with Mr. Brockbank to go over those concerns. Mr. Brockbank agreed to provide some viewshed drawings to show what the project will look like from different viewpoints, such as the roundabout and Deer Vista. He also planned to install berms to shield portions of the project.

Discussion arose concerning the number of dwellings (96-128), parking and slope.

Parking: if constructing four-story structures, parking would be on the main floor with housing units on floors 2-4. If the structures are three-story, then parking would be outside with several garages and some covered parking.

Slope: Mr. Brockbank commented that Thomas Eddington's report regarding 60% slope was incorrect. Mr. Brockbank stated there was no 60% slope within their 8.6 acres. The Commission viewed a slope map prepared by Mr. Brockbank's engineer, delineating the various slope percentages. The engineer stated that the slope map was based on actual surveyor data, unlike Mr. Eddington's USGS mapping that could result in error. He offered to provide Mr. Eddington with all the slope mapping data.

Mr. Brockbank indicated there would be at least one parking space per unit in the four-story in-building parking. He was told that the fewer external parking spots, the better. Mr. Brockbank stated he would have that drawn up in preparation for a meeting with Mr. Eddington the following Friday. Further, Mr. Brockbank indicated the decision regarding a three- or four-story configuration will be driven by the view corridors around the Town. Commissioner Shadle expressed concern with the potential of 128 units and felt it was too

much for the area.

Dan Dansie advised that in addition to a zone change, Mr. Brockbank would need to amend the Master Development Agreement ("MDA"), because this proposal conflicts with the MDA, which provides residential only and maximum density provisions. Further, the planned exteriors would need to be consistent with the MDA.

Discussion followed regarding possible joint venture scenarios and the type of commercial property envisioned in the project.

Commissioner Severini inquired whether any revenue calculations based on occupancy had been run. He added there may be some room for expansion near the detention pond to create a larger commercial area. He also expressed concern with the slopes. Mr. Brockbank estimated revenue would fall around \$12,000 per month, however he engaged a broker to run those scenarios.

Mr. Brockbank indicated that if approved, he anticipated breaking ground this year.

Commissioner Haselton commented that external guest and overflow parking will need to be addressed. The engineer responded that the area near the detention pond underneath the power lines will be flat and could be configured for as many or as few guest parking stalls as the Town would want. Further, he could configure the commercial site for a 2-story building if preferred. Mr. Dwinell felt the viewshed illustrations would answer that question.

Commissioner Woelfle mentioned future public transportation needed to be addressed, and to include a space for a drop off or turnaround, etc., Additionally, trail access should be included. Mr. Brockbank agreed, and noted that MIDA also envisioned some type of Personal Rapid Transit ("PRT") system running from Richardson Flats along the Jordanelle Parkway to Deer Valley.

At 7:10 p.m., Chair Dwinell opened the meeting for public comment. With no comments forthcoming, the public hearing was closed.

Mr. Dwinell recommended this public hearing be continued to February 20.

Commissioner Matyszyk moved to continue this public hearing to February 20.

Commissioner Goldkind made the second. Voting Aye: Commissioners Severini, Woelfle, Goldkind, Matyszyk and Haselton. Voting Nay: None. The motion carried.

IV. ADMINISTRATION

1. Review and create final draft of Title 3 changes to Town Code

Chair Dwinell provided a brief background concerning the Commission's work on the Code, and stated he invited all the developers to this evening's meeting. Western States (Walt Plumb and Nate Brockbank) was the only developer present this evening.

Appeal Authority (Board of Adjustment): This section was pulled directly from Title 11 and placed in Title 3. Dan Dansie explained the function of the appeal authority and the appeal process associated therewith. He also suggested considering streamlining this

section given the size of the Town, to create a single member appeal authority, such as is the case in other jurisdictions, namely Cottonwood Heights.

Following discussion, Chair Dwinell concluded the provision was a “lift and shift” from another title with no changes to the Town’s existing law, and it would be within the Town Council’s purview to make any substantive changes.

At 7:33 p.m., Chair Dwinell opened the floor for public comments. With no comments, the discussion on this item was closed.

2. Review and create final draft of Title 9 changes to Town Code

[Referring to Agenda Item #1, Jan McCosh, who was experiencing telephone connectivity issues, commented that the land within the rezoning request is a MIDA property, and as such, the Town would need to fully understand the underlying concept and financial framework regarding MIDA and those contracts as it would pertain to the revenue analysis discussion. Walt Plumb commented their intent was to not diminish any value and to only enhance value.]

Class B and C Misdemeanors: The discrepancy between the penalty imposed on homeowner vs. the contractor, the severity of the penalties, and assessed fines were discussed. Commissioner Goldkind suggested conducting a review of all Class B and Class C penalty clauses across the Code to consider them in more detail and make necessary revisions for consistency. Dan Dansie felt the misdemeanor clause should not be deleted, but rather adding "any violation of this section" clause detailing the penalty, set out an administrative fine schedule, and still include the misdemeanor clause for ongoing violations at the end. He suggested this could be a standalone “catchall” provision within the title to create an enforcement mechanism, but it wouldn’t preclude specifically allocating a consequence or penalty throughout the title. The Commission was agreeable to the foregoing. Commissioner Shadle volunteered to review the fee schedule.

Definitions: The Commission discussed establishing consistent terms and definitions with maximum flexibility. Commissioner Goldkind volunteered to work on terms and definitions for the titles.

Potential Conflict Between Town Standards and the MDA: Dan Dansie opined that the MDA governed the development standards of a property and once developed, there was nothing within the vested law provisions of the MDA to prevent the Town from incorporating long-term landscaping standards, however the HOA’s CC&Rs do govern. Further, if there is a Town standard that is more stringent, then he didn't think the CC&Rs would prevent the Town from adopting more strict standards. If any standard is found to be less stringent than the CC&Rs, then the CC&Rs would govern.

Melyssa Davidson counsel for the HOA, stated that the MDA covers any “development application,” which is defined as any application for a building permit. Thus, she opined that when someone submits a building permit, it would in fact fall under the MDA. Ms. Davidson commented that while most of the proposed provisions were not problematic, she did see an issue with irrigation. The MDA encourages natural growth and does not permit landscaping outside of the building envelope and strongly discourages irrigation. She concluded that the lot owner under the MDA needs to be vested under those laws and the MDA runs with the land. She specifically referred to §9.04.1 ¶¶ 5-6 as a potential problem.

It was indicated the HOA standards would be reviewed and possibly integrated. Ms. Davidson agreed to send a copy of the HOA standards to Mr. Dwinell. Thomas Eddington offered to assist on the landscape design standards.

Mr. Dwinell then solicited comments from Western States. No comments were forthcoming.

Dan Dansie noted some inconsistency in the “land use authority” definition and offered to find them and send to Commissioner Goldkind for the terms and definitions section.

§9.05.10 and beyond were provided by T-O Engineering, and Mayor Rubin indicated he wanted to comment on these sections. Thus, Mr. Dwinell recommended holding off on this discussion to allow those comments.

At 8:32 p.m., Mr. Dwinell opened the floor for public comments. No comments were given.

3. Review and create final draft of Title 11 changes to Town Code

Chair Dwinell discussed his quality check of the existing Code to add any provisions that were inadvertently left out of the Planning Commission’s draft and proceeded through team comments.

Conditional Uses: It was the consensus that the Commission did not want to eliminate conditional uses, but to make sure there were enough provisions to protect the Town. Dan Dansie suggested adding a general statement that if a use isn’t permitted or conditionally permitted, it is not an approved use and is prohibited. Mr. Dansie noted the language of the existing section §11-1-24 *Administrative Determination for Uses Not Listed* basically allows exceptions to any kind of permitted use and takes zoning, which is done at the legislative level and makes zoning decisions on an ad hoc basis; he found this to be potentially problematic. Mr. Dansie agreed to review this and suggest new language.

ERU’s: Dan Dansie commented this task would require engineering input. It was decided to assign this to T-O Engineering. Thomas Eddington commented he discussed this with Ryan Taylor and would work with him on this.

Cluster Development: Dan Dansie provided some clarification on the purpose of cluster development and how utilized in other municipalities. Thomas Eddington agreed to review this.

Zoning Definitions: Regarding Infrastructure Utilities, Dan Dansie felt it needed more definition and specificity.

Short-term Rentals: It was agreed the short-term timeframe will be revised to less than 30 days; further, this item will be tabled until Dan Dansie has had an opportunity to review whether State legislation may impact this issue.

Mr. Dwinell asked the Commission to review the various data, e.g. minimum lot frontage and building heights, etc. and determine the acceptable values of each and provide comments. He also asked Dan Dansie to review the various conditional uses and provide his feedback.

4. Review and create final draft of Title 10 changes to Town Code

Due to time constraints, this item was not discussed.

V. MEETING ADJOURNMENT

Commissioner Haselton moved to adjourn the meeting. Commissioner Goldkind made the second. Voting Aye: Commissioners Severini, Woelfle, Goldkind, Matyszczyk and Haselton. Voting Nay: None. The motion carried.

The meeting adjourned at 9:30 p.m.

Allison Lutes, Town Clerk

APPROVED

File Attachments for Item:

1. Continue discussion of the Official Zoning Map of the Town of Hideout and potential recommendation to Town Council



Staff Report for Proposed Official Zoning Map

To: Chairman Tony Matyszczyk
Town of Hideout Planning Commission

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

Re: Official Zoning Map – Adoption and Ratification

Date: 15 September 2021

Included Materials: Updated Zoning Map for the Town of Hideout and RSPA Density Pod Map (attached)

Staff reviewed the initial draft Zoning Map with the Planning Commission at the last Planning Commission meeting. At that meeting, the Planning Commission received some public input as a result of town-wide public noticing. As a result, the proposed Zoning Map has been updated to reflect the following changes:

- The US Bureau of Reclamation Land, generally known as the Jordanelle Recreation Land, has been revised and is now recommended as Open Space (OS) zoning.
- The MDA ‘Density Pods’ have been removed from the proposed zoning map and the underlying RSPA Zoning District remains as the zoning designation.
- A second map has been created to illustrate the MDA Density Pods. This map is a record keeping tool to reflect the original density pod reflected in the MDA, or changes which have occurred upon platting or building.
- Designated rights-of-way and access easements (for utility infrastructure access or emergency egress) have been updated.

The recommended Zoning Map includes the following zoning districts per the Town Code as vested in 2009:

Open Space (OS)
Mountain (M)
Residential Medium Density (RMD)
Neighborhood Commercial (NC)
Resort Specially Planned Area (RSPA)

The map also includes the boundary for the 2010 Master Development Agreement (MDA) area.



Staff has been able to locate some prior used zoning maps – a 2009 General Plan Zoning Map, a 2016 Zoning Map which was presented at a Town Council meeting for discussion of an application, and the map that is in the 2019 General Plan. These are attached as appendices to help Planning Commissioners understand the prior maps that have been used for zoning purposes.

Staff recommends the Planning Commission review the attached Zoning Map and consider forwarding a favorable recommendation to the Town Council to adopt and ratify it as the Town's Official Zoning Map. The Density Pod map is a record-keeping tool and will not be voted on.

ORDINANCE #2021 - _____

ORDINANCE RATIFYING AND ADOPTING
OFFICIAL ZONING MAP FOR THE TOWN OF HIDEOUT

WHEREAS, Town records fail to show that an Official Zoning Map was adopted for the Town of Hideout; and

WHEREAS, own wishes to officially ratify and adopt the Zoning Map which is currently in use.

WHEREAS, while the Wasatch County Zoning map reflects what the current zoning is for the Town of Hideout, the Town wishes to ratify an Official Zoning Map.

WHEREAS, proper legal notice was sent to all private property owners in the Town of Hideout;

WHEREAS, the Planning Commission held a public hearing on August 9, 2021 and September 16, 2021 to receive input on the Official Zoning Map, and forwarded a recommendation to the Town Council;

WHEREAS, the Town Council held a public hearing on September 9, 2021 and _____ to receive input on the Official Zoning Map;

WHEREAS, the Official Zoning Map is consistent with the Hideout General Plan.

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

SECTION I: Approval. The Official Zoning Map for the Town of Hideout as shown in Exhibit A is hereby adopted and ratified.

SECTION II: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this ____ day of _____ in the year _____.

TOWN OF HIDEOUT

Phil Rubin, Mayor

ATTEST:

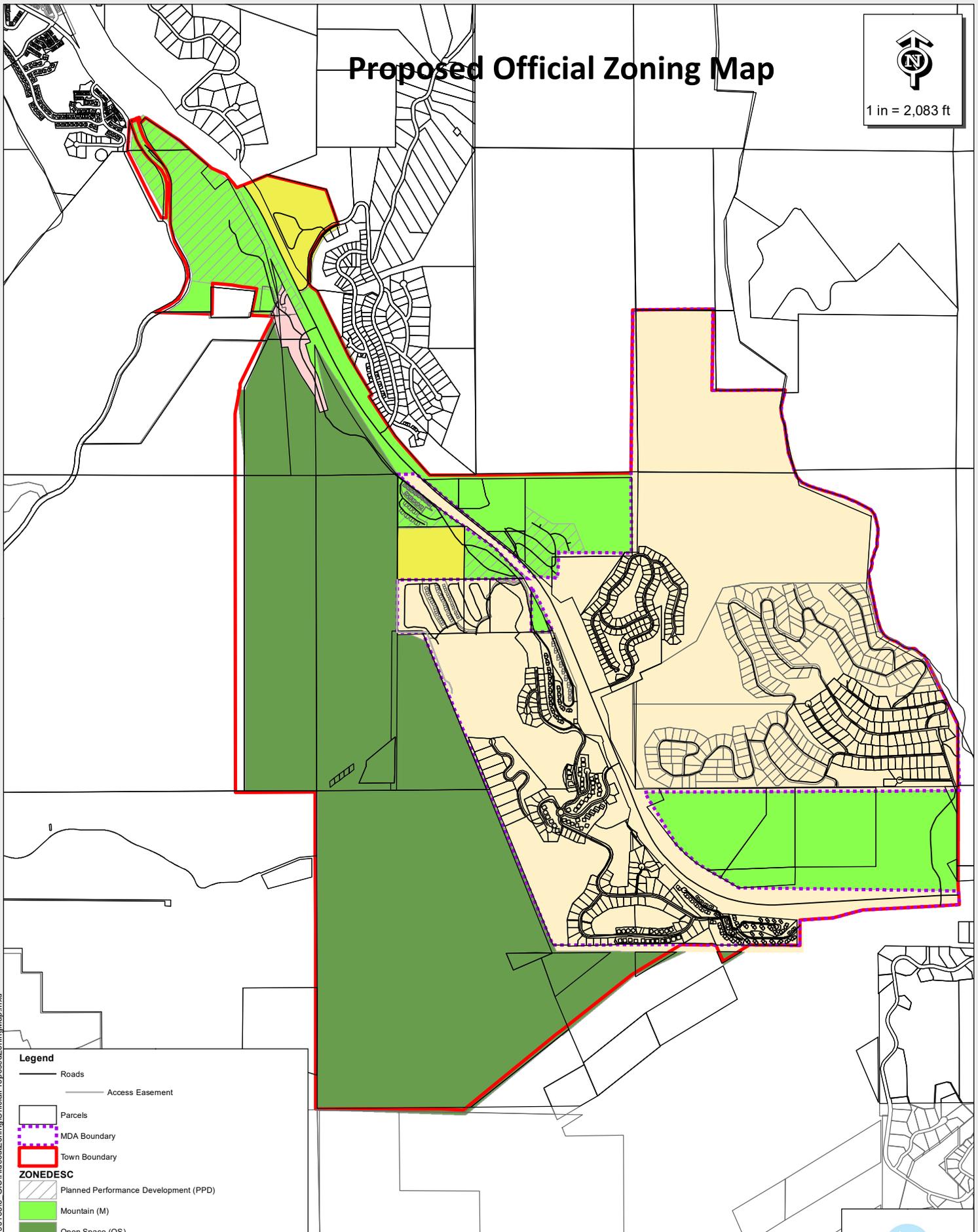
Alicia Fairbourne, Town Clerk

Exhibit A. Zoning Map

Proposed Official Zoning Map



1 in = 2,083 ft



Legend

- Roads
- Access Easement
- Parcels
- MDA Boundary
- Town Boundary

ZONEDESC

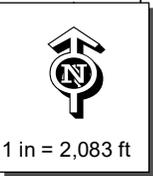
- Planned Performance Development (PPD)
- Mountain (M)
- Open Space (OS)
- Neighborhood Commercial (NC)
- Residential Medium Density (RMD)
- Resort Specially Planned Area (RSPA)

TOWN OF HIDEOUT PROPOSED ZONING MAP

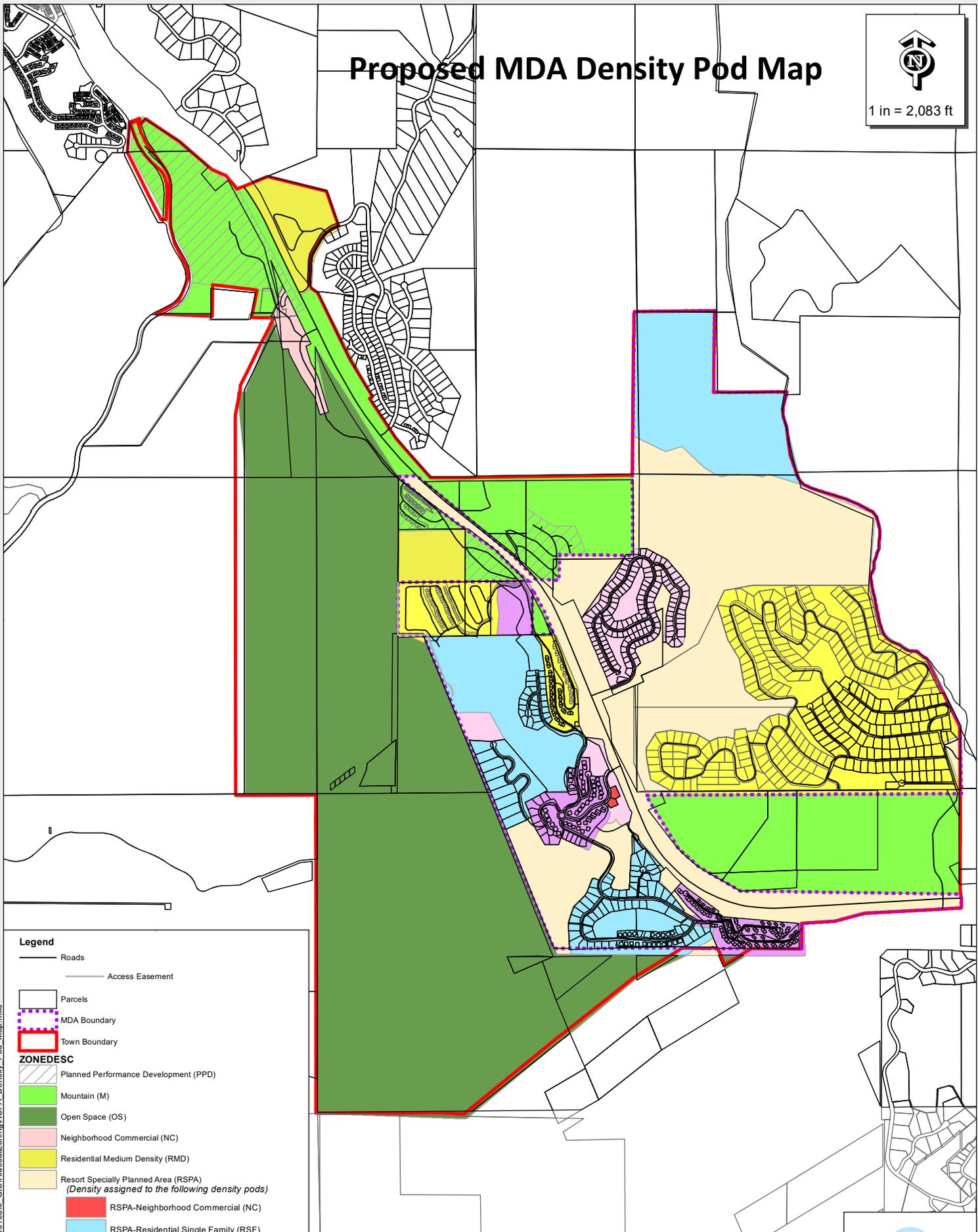
DRAFT DATE: 9/16/2021



Proposed MDA Density Pod Map



1 in = 2,083 ft



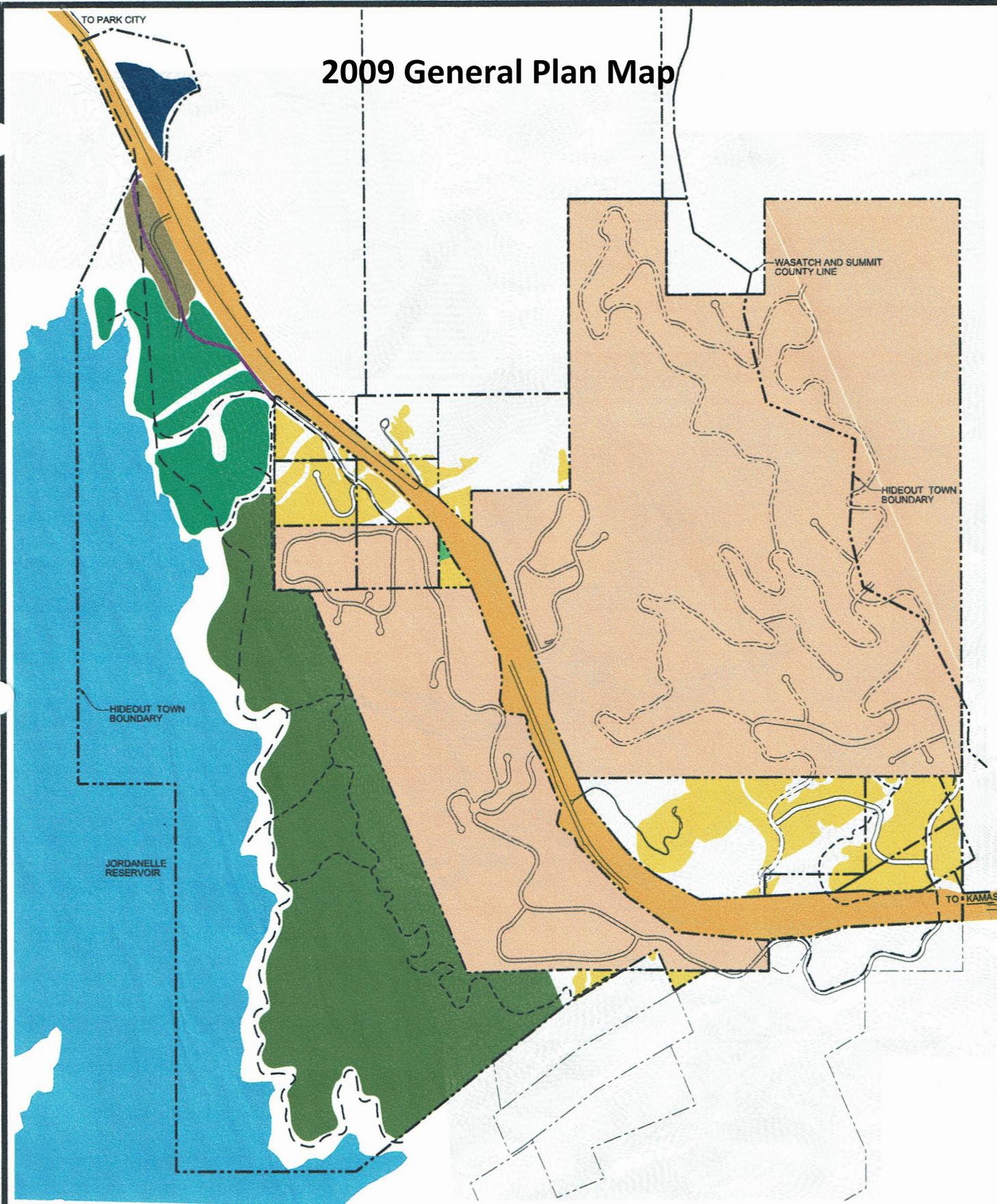
Legend

- Roads
- Access Easement
- ▭ Parcels
- - - MDA Boundary
- ▭ Town Boundary
- ZONEDESC**
- ▨ Planned Performance Development (PPD)
- ▭ Mountain (M)
- ▭ Open Space (OS)
- ▭ Neighborhood Commercial (NC)
- ▭ Residential Medium Density (RMD)
- ▭ Resort Specially Planned Area (RSPA)
(Density assigned to the following density pods)
- ▭ RSPA-Neighborhood Commercial (NC)
- ▭ RSPA-Residential Single Family (RSF)
- ▭ RSPA-Residential Medium Density (RMD)
- ▭ RSPA-Resort Village Medium Density (RVMD)
- ▭ RSPA-Resort Village High Density (RVHD)

TOWN OF HIDEOUT RSPA DENSITY POD MAP
DRAFT DATE: 9/16/2021



2009 General Plan Map



NOTE:
ALL ROADS ARE CLASSIFIED AS
LOCAL COLLECTORS UNLESS
OTHERWISE IDENTIFIED.

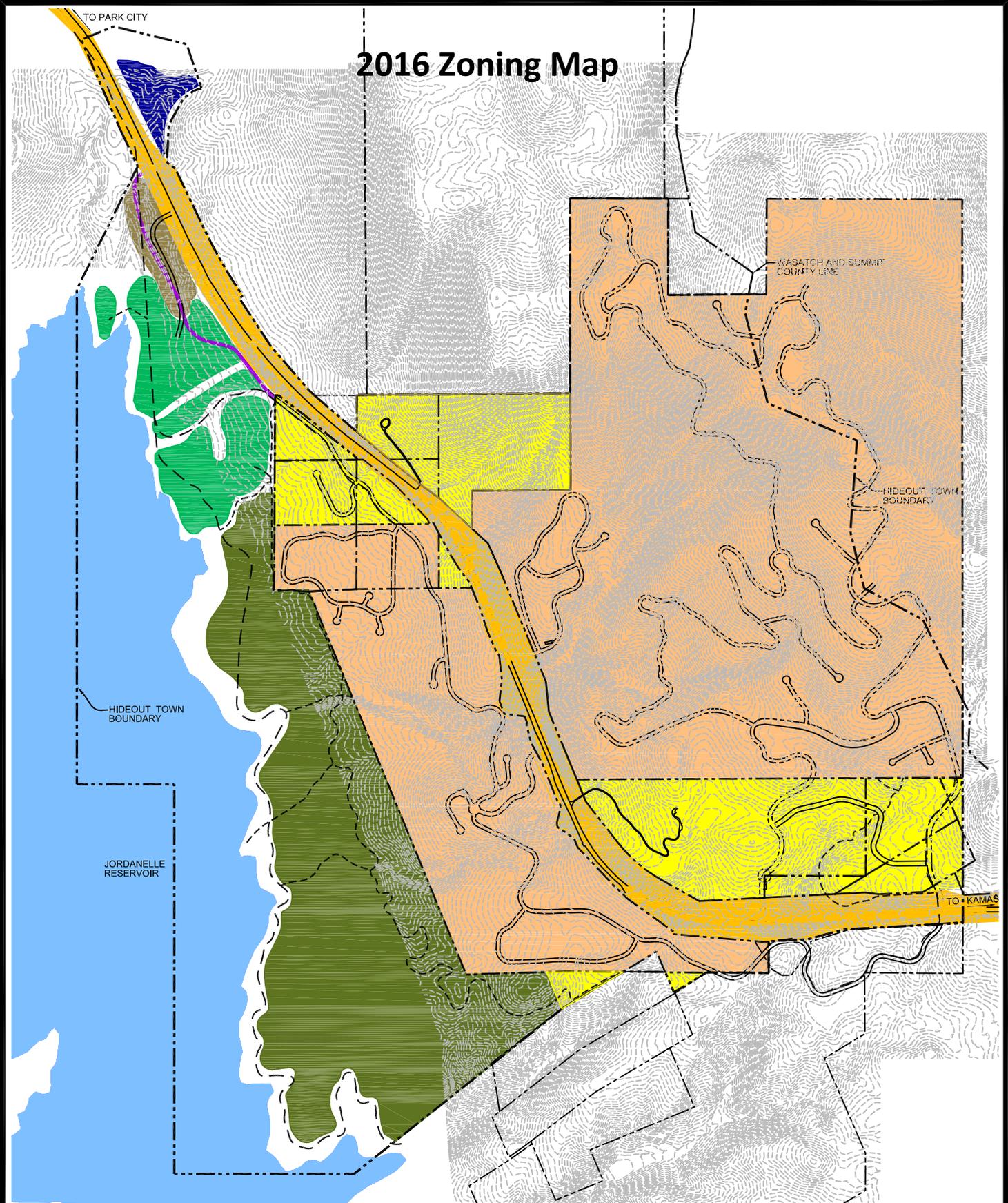
LEGEND

- | | | |
|---------------------------------------|--|-----------------------------------|
| RESIDENTIAL AFFORDABLE HOUSING | PUBLIC OPEN SPACE DAY USE ONLY | OPENSACE RECREATIONAL USES |
| RESIDENTIAL LOW DENSITY | EXISTING AND POTENTIAL REGIONAL TRAILS | HIDEOUT LAKESIDE COMMUNITY CENTER |
| R.S.P.A. RESORT SPECIAL PLANNING AREA | EXISTING AND POTENTIAL LOCAL TRAILS | MINOR ARTERIAL ROAD |
| ROSS CREEK PARK AREA DAY USE ONLY | EXISTING AND POTENTIAL ROAD CORRIDORS | MAJOR COLLECTOR ROAD |

HIDEOUT, UTAH
GENERAL PLAN



2016 Zoning Map



LEGEND

- | | | |
|---------------------------------------|--|-----------------------------------|
| RESIDENTIAL AFFORDABLE HOUSING | PUBLIC OPEN SPACE DAY USE ONLY | OPENSOURCE RECREATIONAL USES |
| MOUNTAIN ZONE | EXISTING AND POTENTIAL REGIONAL TRAILS | HIDEOUT LAKESIDE COMMUNITY CENTER |
| R.S.P.A. RESORT SPECIAL PLANNING AREA | EXISTING AND POTENTIAL LOCAL TRAILS | MINOR ARTERIAL ROAD |
| ROSS CREEK PARK AREA DAY USE ONLY | EXISTING AND POTENTIAL ROAD CORRIDORS | MAJOR COLLECTOR ROAD |

ZONING MAP OF THE TOWN OF HIDEOUT UTAH



From: [REDACTED]
To: [hideoututah](#)
Subject: Comments Regarding Zoning Map
Date: Monday, August 9, 2021 5:41:12 PM

Hi there,

This is a question for the Planning Commission meeting today, regarding the ratification/adoption of the updated official zoning map for Hideout:

What does it mean, in terms of density, for an area to be in the RSPA zone but *not* in one of the density pods like RSF (i.e., the "salmon" colored area)? This includes Reflection Lane, a good portion of Shoreline's future phases, and part of Golden Eagle.

The vested Town code (11.07.137) states that the base density for the RSPA zone is 1.5 ERUs per acre. Is this the applicable allowed density for this zone?

Thank you,
Brian Amerige.

From: [REDACTED]
To: [hideoututah](#)
Subject: Zoning Map for Town of Hideout
Date: Monday, August 9, 2021 5:27:45 PM

If we are reading the map correctly, it looks like lower shoreline was zoned for single family homes...how is it possible that you built townhouses instead?

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Objections to Proposed Zoning Maps
Date: Tuesday, August 10, 2021 4:29:39 PM
Attachments: [OBJECTION TO MAPS - FINAL VERSION.pdf](#)

Phil:

In so far as the Proposed Zoning Maps appear to depict a "road" (as opposed to a 6 foot wide path as previously approved for the Deer Waters Subdivision in 2020) we file the attached objections. We most respectfully request that the Town revise the map legend on the Proposed Zoning Maps to reflect that the path running south from Shoreline Dr. along the Jordanelle State park down towards the Shoreline subdivision be correctly labeled as something other than a "road". We respectfully make this request so as to avoid any explicit or implicit approval, recognition and/or endorsement of an unlawful "road" in violation of Title 11. Please see the attached.

As always, we welcome open dialogue on this matter.

Thank you,

Jonathan S. Gunn
[REDACTED]

**FORMAL OBJECTIONS TO BOTH OF THE HIDEOUT DRAFT PROPOSED ZONING
MAPS DATED JULY 29, 2021 AND AUGUST 9, 2021**

I. Background information

Objectors are the owners of 11885 N. Star Gazer Cir., Hideout, UT 84036. Objectors' home is located within the Deer Waters Resort Subdivision, approximately 30 feet from the eastern boundary of the Jordanelle State Park. There is only about 30 feet between the foundation of Objectors' home and the eastern edge of the Jordanelle State Park.

On or about the first week in January of, 2020, the Town of Hideout apparently approved a plan for development of the Deer Waters Subdivision, in which Objectors' home is located. That plan contains a map¹. That map **expressly** calls for a path running from Shoreline Dr. in a southerly direction, along the eastern edge of the Jordanelle State Park, directly behind Objectors' home. According to this map, the path is to be **Six (6) feet** wide at a point directly behind Objectors' home, then runs in a southerly direction to the Shoreline subdivision. It is important to note that the plan does not call for (nor approve) anything wider than Six (6) feet running south of Objectors' home.

On 7/29/2021 and 8/9/2021, the Town of Hideout published Proposed Zoning Maps. Both of these maps contain map legends. Both map legends reflect a "road" as a solid black line. This solid black line is indicated by arrows drawn by Objectors on attached Exhibit "A". This line (or "road") runs approximately 13 feet from Objectors' home.

According to Utah Code 41-6a-102(58) a:

- (a) **"Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.**

Objectors assume that the Town's use of the term "road" in the map legends was intentional, to reflect a "roadway" or "road" as that term is defined under Utah State law. The difference between the previously approved Six (6) foot wide path and a "road" sufficiently wide and/or open for use by private vehicles is the mainstay of Objectors' formal objections. For the reasons set forth below, Objectors expressly object to: (i) any path wider than Six (6) feet; and/or (ii) that any such "path" be open for use by private vehicles. **Objectors do not object to the use of any Six (6) foot wide path by Official State, County, or Municipal vehicles on official government business.**

¹ That map was supplied by the Town of Hideout in response to a Government Records Request. Objectors have received repeated assurances from both Hideout Town officials and the Developer that this "path" will be only Six (6) feet wide and will be closed to private vehicular traffic. Objectors have detrimentally relied upon these repeated assurances.

II. Overview of the Objections.

Both of the proposed zoning maps depict a “road” running approximately 13 feet from the foundation of Objectors’ home. Any such “road” would violate: (i) the 2020 development plan/drawing previously approved by the Town of Hideout for the Deer Waters subdivision; and (ii) multiple sections of Title 11 of the Town’s own Code concerning required setbacks. Therefore, because both of the Proposed Zoning maps may approve, sanction, recognize and/or authorize any “path” or “road”: (i) wider than Six (6) feet; and/or (ii) use of any such path or “road” by private vehicles, Objectors formally and vociferously object. **Once again, Objectors do not object to the use of any Six (6) foot wide path by any Official State, County, or Municipal vehicles on official government business.**

Objectors are alarmed by the fact that despite the Town’s limited approval of a Six (6) foot wide path in 2020, early in 2021, unknown persons/entities constructed an unlawful stone and gravel way that is approximately Twelve (12) feet wide. To the best of Objectors’ knowledge and belief, such construction and the change to the land was not formally approved by the Town. Moreover, the stone and gravel way clearly violates multiple sections of Title 11 requirements.

III. Arguments and Legal Authority.

a) Strict Compliance with Title 11 of the Town Code is Mandatory and Not Optional

The Town is required by its own Title 11 rules to follow and abide by its own Title 11 rules². In fact, The Town’s own Title 11 rules expressly make any action by the Town that is in violation of Title 11 rules, “null and void” as a matter of law. More specifically, Section 11.01.109 is entitled: “PERMITS TO COMPLY WITH LAND USE REGULATIONS”. It states, in pertinent part:

“Permits shall not be granted for the construction, reconstruction or alteration of any building or structure, or for the moving of a building onto a lot, or for the change of the use of any land, building, or structure if such construction, alteration, moving, or change in use violates any of the provisions of this Title”. (Emphasis added).

Section 11.01.109 could not clearer. The rules are not optional. They are mandatory and binding upon the Town. Moreover, Section 11.01.106 is entitled “LICENSE TO CONFORM”. It states in pertinent part:

“All departments, officials, and employees of the Town of Hideout that are vested with a duty or authority to issue permits and licenses shall do so in conformance with the provisions of this Title. No permit or license for a use, building, or purpose shall be issued where the same would be in conflict with the provisions of this Title. A permit or license, if issued in conflict with the provisions of this Title, shall be null and void”. (Emphasis added).

² All citations from: <https://hideoututah.gov/wp-content/uploads/2018/07/Title-11-Zoning-Regulations.pdf>

The Town Code could not be more clear. Any action taken in contravention of Title 11 is a legal nullity. When read together, these two sections make it crystal clear that the Town's rules must be followed by all - and that expressly includes by the Town itself. Any action (by anyone, including the Town) in violation of these rules is, as a matter of law "null and void". Any permit, license or approval issued by the Town in violation of its own rules is therefore "null and void", *ab-initio*.

b) Specific Violations of Title 11 Depicted by the Proposed Maps.

(i) Any changes to the previously approved 2020 plan must comply with current Title 11 requirements.

While the Town may have approved a Six (6) foot wide "path" in 2020 (apparently just days before the new Title 11 was enacted)³ changing the character of that land and path now, in 2021, after adoption of the new Title 11, would require strict compliance with the new Title 11 requirements. Said differently, any change to the previously approved 2020 plan will require compliance with the current Title 11 requirements. Because the Proposed Zoning Maps depict a "road" does not comply with the 2020 plan, it must be revised. Any approval by the Town, whether express or implied, must be avoided.

(ii) The proposed Zoning maps violate multiple current Title 11 Setback requirements.

In January of 2020, the Town of Hideout apparently adopted new Zoning rules and regulations. Those regulations include Title 11. Section 11.02.101 of Title 11 defines the terms used in Title 11. Paragraph #168 of this Section defines the "Minimum Setback" of residences from streets or roads within Hideout. It states, in pertinent part:

(168) "Setback. The minimum distance by which any building or structure must be separated from a street right-of-way or lot line".

Section 11.07.111 goes on to set out 3 separate requirements for setbacks. The proposed "road" clearly violates 2 of these provisions. That section mandates, in pertinent part:

1. Front Setback. The front setbacks for dwellings shall be a minimum of sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of way, whichever is greater....."

2. Corner Lots. For corner lots, the side setback on the street side shall be the same setback as that required for the front.

³ Exact dates of adoption of the development plan and the new Title 11 are not entirely clear to Objectors.

3. Rear Setbacks. All permitted structures shall be set back from the rear property line a minimum of thirty (30) feet. (*Emphasis added*). See 11.07.111.

Title 11.07.111 sub sections (2) and (3) that will be violated if the proposed "road" is any greater than Six (6) feet wide or is open to vehicular traffic is authorized by the Town's map.

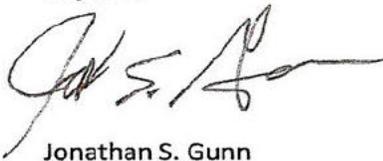
IV. Summary

The "road" depicted by both of the proposed Zoning maps violates the previously approved 2020 plan for the Deer Waters Subdivision. It is therefore unlawful. Any change to the 2020 plan requires compliance with current 2021 requirements. Because it is impossible for the proposed "road" to comply with current 2021 Title 11 requirements, it must not be approved, sanctioned, or recognized by the town, whether expressly or impliedly, in any map or in any other fashion what so ever. The Town must avoid any explicit or implicit (and unlawful) approval of any "road" or "path" which is inconsistent with the 2020 plan.

WHEREFORE, because the Proposed Zoning Maps may unlawfully expressly or impliedly authorize, sanction, and/or recognize a "road" which is inconsistent with the 2020 plan (*i.e.* a Six (6) foot wide path) and which blatantly violates Title 11, Objectors herewith file their Formal objections to both proposed Zoning Maps. Objectors respectfully request that the Town revise the Proposed Zoning Map legend so as to reflect that the "path" in question is not in fact a "road", but rather a Six (6) foot wide path. In this way, the Town can avoid any unlawful, explicit or implicit, approval, sanction, and/or recognition.

Respectfully submitted on this 10th day of August, 2021 *via* Certified US and Electronic mail to the Town of Hideout, addressed to its Honorable Mayor, Phil Rubin, with an electronic copy to the Town's attorney, Ms. Poly McClean.

Objector



Jonathan S. Gunn
[REDACTED]

Objector

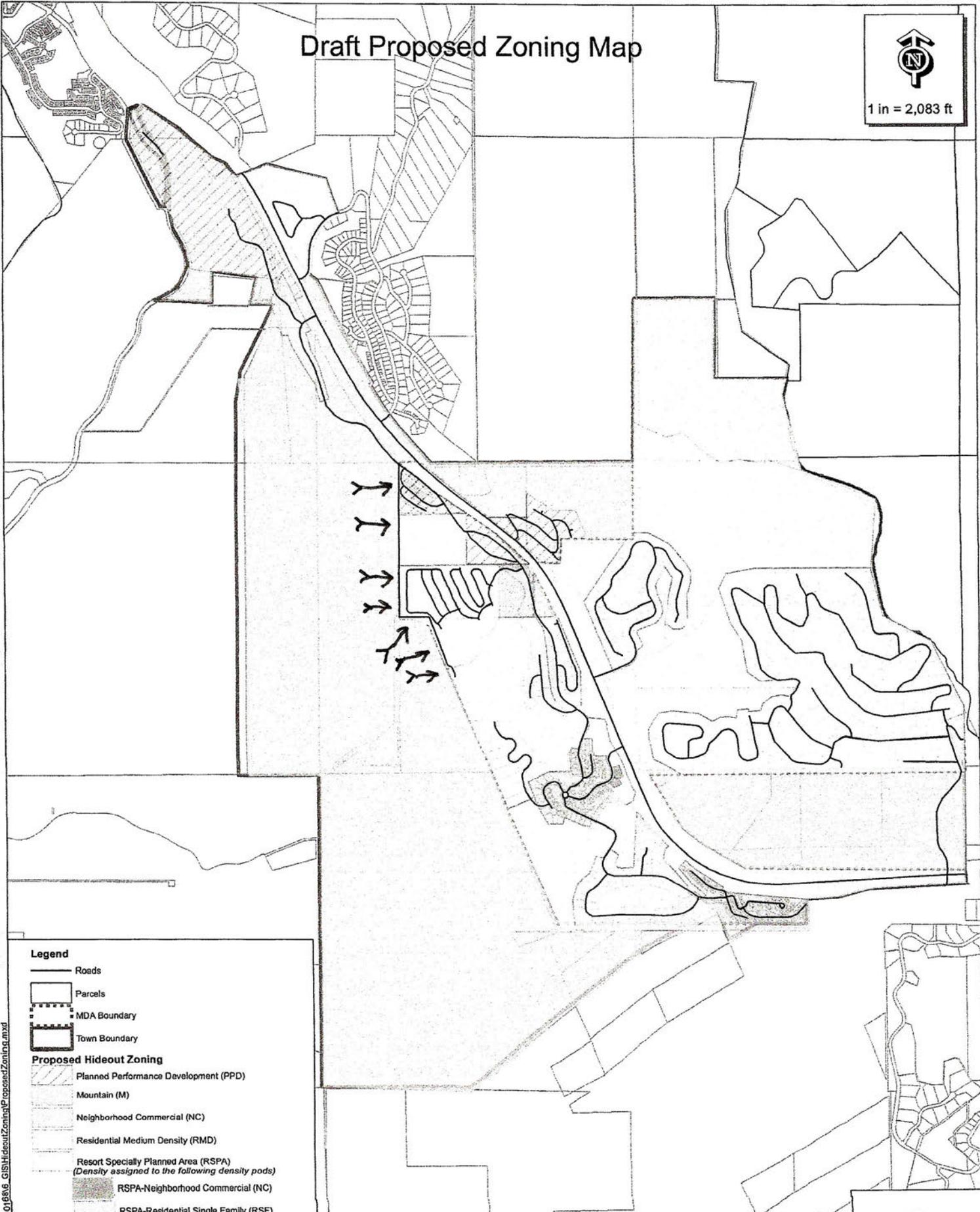


Kathleen E. Shepley

Draft Proposed Zoning Map



1 in = 2,083 ft



Legend

- Roads
- ▭ Parcels
- - - MDA Boundary
- ▭ Town Boundary
- Proposed Hideout Zoning**
- ▨ Planned Performance Development (PPD)
- ▨ Mountain (M)
- ▨ Neighborhood Commercial (NC)
- ▨ Residential Medium Density (RMD)
- ▨ Resort Specially Planned Area (RSPA)
(Density assigned to the following density pods)
- ▨ RSPA-Neighborhood Commercial (NC)
- ▨ RSPA-Residential Single Family (RSF)
- ▨ RSPA-Residential Medium Density (RMD)
- ▨ RSPA-Resort Village Medium Density (RVMD)
- ▨ RSPA-Resort Village High Density (RVHD)

Document Path: F:\1601686_GIS\Hideout\Zoning\ProposedZoning.mxd

TOWN OF HIDEOUT PROPOSED ZONING MAP
EXHIBIT 'A' DATE: 8/9/2021



From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Hideout zoning map
Date: Thursday, September 16, 2021 2:35:08 PM

Alicia – Please include the following for public comment on the zoning matter. Thanks, Polly

From: Jared Fields [REDACTED]
Sent: Tuesday, September 14, 2021 3:42 PM

Subject: RE: Hideout zoning map

Polly, thanks for your email. Please consider this email to be written comment on behalf of Mustang Development regarding the proposed map. The map that is now proposed for this week's Planning Commission wasn't with the original notice published and mailed out before the August 9 meeting. According to the state public notice website, that map was appended to the public meeting notice about an hour and a half before the 8/9 meeting. Our previous written comments prior to that meeting related only to the map that was published with the notice. (We provided those extensive comments the day after your August 4 email, and we considered that to be a response to your request for input).

As an initial matter, as far as I have seen, no mailing of the revised map pursuant to UCA 10-9a-205(2)(a) or (4) has been sent out. I believe there was a hard copy notice published and mailed to property owners in the Town before the 8/9 meeting, but that only included the earlier map. In fact, there is still no public notice posted for this week's meeting. This means the new map has not been properly noticed for consideration at this week's Planning Commission meeting. Relatedly, the existing meeting notice (from 8/9) is quite unclear. It states that the proposal at the meetings is to "ratify and adopt the Zoning Map which is currently in use," but now two maps are attached to the [electronic posting of that notice](#). One is labeled the "Zoning Map," and the other is labeled "proposed Zoning Map."

Notice issues aside, Mustang disagrees with the premise that an appropriate zoning map has not already been adopted, at least with respect to the MDA property. Under state law, a zoning map is simply a map "adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts." As I noted in my earlier written comments, the zoning applicable to the MDA property is RSPA. See, e.g., MDA Sec. 4.1 ("The Project is currently zoned RSPA and the Town has approved the RSPA Zoning Map."). The area of the RSPA zone was approved on March 11, 2010. This approval satisfied the requirements set forth in the statutes you cite that require legislative body approval of zoning districts.

Within the RSPA zone, the Town Code and the MDA permit various density pods. However, density pods are not defined by state statute and are not the same as zoning districts. The statutory provisions cited in your email do not require any kind of formal map of density pods showing particular uses within a zone. As it happens, Mustang over the years coordinated with the Town and during various development applications submitted updates to the proposed density pods. But

those updates were not zoning changes, and no zoning change was required (as evident from the approvals of RSPA areas like Reflection Lane, Forevermore, and portions of Rustler, Shoreline, Soaring Hawk and Golden Eagle without zoning changes). There is also no reason those density pods could not have been ratified in the Town's general plan, and in fact they were in the zoning map in that plan approved in 2019. Adjustments of density pods within the RSPA does not require a zoning change, particularly because the MDA provided a limit on the overall developed density throughout the RSPA area.

If the Town disregards the above notice issues and proceeds to consider adoption of the proposed new map, Mustang opposes the map. The newly proposed map (which I believe is [this map](#)) is problematic for some of the same reasons as the earlier map, and some different reasons. Mustang will dispute the application of such map to the MDA property as being contrary to the MDA's terms.

First, the new map purports to give density pods the same treatment as zoning, effectively limiting the intended flexibility of the zoning pods provided by the MDA. This is further evident by the statement on the map key that "density is assigned to the following density pods." This statement implies that density is not available in the other areas of the RSPA, which is not accurate under the MDA. Adoption of the map as such would ostensibly require Mustang to apply for a zoning change in order to develop much of its remaining property, which is contrary to the terms of the MDA and years of prior approvals.

Second, the new map is not a "ratification" of any existing zoning or density pod plans, and it seems implausible that anyone at the Town actually intends it as such. If the intent were simply "ratification," the proposal would be to approve (and designate as the zoning map) the map included in the approved General Plan. Mustang and other parties have, after all, been relying on that map for more than two and a half years. The proposed map is based on some selective determination of what density pods are considered to be approved. Even just compared to the last map the Town proposed, this map strips the parcel northwest of Soaring Hawk (parcel 20-8168) of any density pod designation. That parcel was designated RVHD in the 2010 MDA map, and RMD in the General Plan's map. The new map also omits any kind of Resort Village designation for Shoreline Village, which is contrary to the Town Council's approval of RVMD for all of the Shoreline Village area in December 2016.

Third, the new map imposes arbitrarily selected density pod designations and zoning districts to several areas. Reflection Lane is designated RSPA RSF, which in a way is fine, but the only source from which that designation could be made is the 2019 map in the General Plan. It is bizarre that the Town would use that map for Reflection Lane but not other areas. It assigns RSPA Neighborhood Commercial designation to two parcels previously designated RVHD despite a lack of any prior approval of that designation by the Council. It alters the existing density pods within the Golden Eagle and Soaring Hawk areas. Other areas outside the RSPA are zoned RMD (the Todd Hollow apartments) and Neighborhood Commercial (a strip south of Deer Springs).

That's a long way of saying there are material errors in the proposed map, which in any event has not been properly noticed for consideration. But all of this is unnecessary. If the Town wants to adopt a correct zoning map, it can recommend a map displaying the entire RSPA area as zoned

“RSPA.” And if the Town wants a current map of the density pods planned within the RSPA zoning district, it already has one, in the General Plan and on the Wasatch County GIS site.

Jared

Jared C. Fields
Chief Legal Counsel
Mustang Development

[REDACTED]
[REDACTED]

From: Polly McLean [REDACTED]
Sent: Monday, September 13, 2021 5:34 PM
To: Jared Fields [REDACTED] Scott DuBois [REDACTED]
Cc: Dani N. Cepernich [REDACTED] Gary Crane [REDACTED] Thomas Eddington Jr. [REDACTED]
Subject: Hideout zoning map

Jared and Scott – As you likely are aware the zoning map ratification was continued to this Thursday before the planning commission. On August 4, we invited you to meet prior to the planning commission hearing but you never responded. Our invitation still stands. We received your email and public comment you sent on Thursday August 5. As you know the map was updated for the 8/7/21 meeting and the proposed map was updated based on your feedback as well as that of the public. We intend the map to reflect all zoning that has been approved by the town or reflects existing conditions. Your letter illustrates the problem when a town doesn't have an official zoning map. State Code requires us to adopt zoning districts by ordinance. (See UCA 10-9a-501, 503 505) and Unfortunately, adopting a General Plan that includes a map as an exhibit isn't enough to meet the standard of adopting an official zoning map by ordinance. The proposed map matches the density pods reflected in the MDA zoning map and existing conditions. The Town of Hideout wishes to work with Mustang and is working through the existing documentation for the Town to establish and ratify zoning that meets everyone's expectations. Any information you can provide regarding changes in the density pods or other zoning areas would be greatly appreciated.

Best,
Polly

Polly McLean – Town Attorney

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: FW: Town Council Meeting
Date: Thursday, September 9, 2021 6:33:42 PM

From: Allison McKinnon [REDACTED]
Sent: Thursday, September 9, 2021 1:27 PM
To: hideoututah <hideoututah@hideoututah.gov>
Cc: Rich Denness [REDACTED]; CJ Peters [REDACTED]; Susan Geyer [REDACTED]; Greg Geyer [REDACTED]; Andrew Marlow [REDACTED]; [REDACTED]; Jorge Toledo [REDACTED] Jody Schneider [REDACTED]; Ray Brideau [REDACTED]; Laura Downey [REDACTED]; CHRIS TIHANSKY [REDACTED]; Glynnis Tihansky [REDACTED]; Ben Putman [REDACTED] Stephen Besen [REDACTED]; Victoria Sharrar [REDACTED]; keith [REDACTED] raymond [REDACTED] Doug Tam [REDACTED]; Dennis Takasugi [REDACTED]; Jay Turkbas [REDACTED]; [REDACTED]
Subject: Town Council Meeting

"For the purpose of ratifying and adopting the Official Zoning Map of the Town of Hideout to reflect existing zoning. Town records fail to show that an Official Zoning Map was adopted, and therefore the Town wishes to officially ratify and adopt the Zoning Map which is currently in use."

This is exactly the same agenda from the last meeting...what about Hideout's vision?

"We will maintain longterm fiscal health while planning for the growth and development of quality services so support our community and provide for the safety and well being of it's residents. We will work closely with both public and private sectors to keep residents informed and involved in the continued growth of the Town"

Why is none of this on the agenda. The Lower Shoreline residents are so unhappy with the way we have been treated as far as not being informed about any major issues i.e. the trail building, the truck invasion... We were told the Holmes trucks were to start using the access road to leave the area...that lasted for maybe three days. Where are these trucks coming from with the dumping of all this dirt and how do we know it's safe and not contaminated.

These are questions we would like to be on the agenda.

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: OBJECTIONS to proposed zoning map dated 9-16-21
Date: Thursday, September 16, 2021 5:25:21 PM
Attachments: [9-16-21 ZONING MAP.pdf](#)

Members of the planning commission and Alicia:

About 50 minutes ago we received, for the first time, a copy of the new 9-6-21 proposed zoning map. Thank you for sending out this proposed map. In looking at the map, I see that the legend now reflects an "Access Easement" as a grey line. If I am reading the map (Page 4 of the attached) correctly, the map still reflects, via a bold solid black line, a "road" coming off Shoreline Dr. at the north end of Deer Waters, then running in a southerly direction along the edge of the Jordanelle, continuing in a southerly direction through Deer Springs. Then, at the line between Deer Springs and the Shoreline development, this "Road" appears to convert to an "Access Easement" as depicted by a grey line.

If I am reading this correctly (please correct me if I am incorrect in any respect) I adopt, restate, and reassert all of my prior objections, which include:

First, this path is a "utility easement". It is not a road. It is not and can not be a "road" because:

- 1) The recorded plats reflect a utility easement;
- 2) No "road" appears on the Hideout Town approved plan for the Deer Waters subdivision, which only reflects a 6 foot wide asphalt path south of the lift pump;
- 3) No "road" appears on any plat recorded for the Deer Waters Subdivision with Wasatch County;
- 4) No "road" can comply with the Town's own Title 11 set back requirements, which require no less than 30 feet between any home and the edge of any road; and
- 5) The path does not comply with applicable State and County requirements for "roads".

As a result, I object to the map, because it is inconsistent with the the recorded plats, the approved plan of development, Title 11 requirements, all as stated above and below.

I respectfully request that the 9-16-21 map be amended to properly reflect that the path in question, as it traverses through the Deer Waters subdivision is an "Access easement" and not a "road".

Respectfully,

Jonathan S. Gunn
[REDACTED]

-----Original Message-----

From: [REDACTED]
To: [REDACTED]
Sent: Fri, Sep 10, 2021 2:40 pm
Subject: Fwd: Proposed zoning map objection & correction

-----Original Message-----

[REDACTED]

[REDACTED]
Sent: Fri, Sep 10, 2021 2:37 pm
Subject: Proposed zoning map objection & correction

Members of the planning commission:

I understand from the town council meeting that you are involved in the development and revision of the Town of Hideout zoning map. The 8/9/21 version of this map (attached) is the latest that I am aware of. I vociferously object to the way the map is drawn for the following reasons:

The proposed 8/9/21 map inaccurately reflects a "road" coming off Shoreline Dr. (in Deer Waters) and running in a southerly direction along the edge of the Joardanelle park towards and into the Shoreline Subdivision Development.

This is not a road and can not be a road for the following reasons:

- 1) This path is, according to plats of survey duly recorded with Wasatch County, a utility easement. The plats do not reflect any "road".
- 2) The Hideout approved plan of development for Deer Waters reflects that this path is to be a 6 foot wide asphalt path south of the current sewage lift station, located behind 11885 Star Gazer Cir. The approved plan does not reflect a 15 foot wide road south of this point.
- 3) The path does not and can not comply with Hideout Title 11 setback rules. More specifically, the distance between the foundation of 11885 Star Gazer Cir. and the edge of the Joardanelle State Park is only 30 feet. Title 11 requires a minimum of a 30 foot setback. One need not be an engineer to understand that it is not possible to have a 30 foot road setback where the corridor is only 30 feet wide.

Therefore, I most respectfully request that the draft zoning map for Hideout be revised to accurately reflect a utility easement and not a road, as is currently the case.

Thank you most kindly,

Jonathan S. Gunn
[REDACTED]

File Attachments for Item:

1. Ratification of KLAIM Phases 1 and 2 subdivision and plat amendment



Staff Report for Ratification of KLAIM Phase 1 and Phase 2 Subdivision

To: Chairman Tony Matyszczyk
Town of Hideout Planning Commission

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

Re: KLAIM – Ratification of Phase 1 and Phase 2

Date: 15 September 2021

Included Materials: Plan Set With Phase 1 and Phase 2 Subdivisions (attached)

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

At the December 14, 2017 meeting (and at the prior December 7, 2017 Planning Commission meeting) a site plan was provided but there was never a Subdivision Plat which was in a form which could be recorded.

After receiving the extension, Phase 1 was submitted and recorded on March 29, 2021. Phase 2 has been received for recordation and has gone through staff review and is in the process of getting signatures. Due to an oversight, the Phase 1 and 2 plats were accepted for recordation without going back through Planning Commission and Town Council. In order to ensure a public review of the subdivision plats, Staff is recommending that the Planning Commission review and ratify the Final Subdivisions for Phase 1 and Phase 2. This project is vested under the Town's prior Zoning and Subdivision Ordinances (pre- November 2020) and will not be formally reviewed by the Town Planner or Town Engineer per the newly adopted Zoning and Subdivision Ordinances. Staff reviewed both Phases to ensure that they meet all requirements of the old code and the December 14, 2017 approval. This ratification is essentially a formality to get the project finalized through the Planning Commission and Town Council. The subdivision plats for future phases will come to the Planning Commission and Town Council

Staff recommends the Planning Commission review the attached plan set and subdivisions and forward a favorable recommendation for ratification of the Phase 1 and Phase 2 subdivision plats for KLAIM to the Town Council.



THE VIEW AT HIDEOUT

708 EAST HIGHWAY 248
HIDEOUT, UTAH

INDEX OF DRAWINGS

1-1	BOUNDARY SURVEY
1-1	PHASE 1 PLAT
1-1	PHASE 2 PLAT
C-001	GENERAL NOTES
C-100	OVERALL SITE PLAN
C-101	ENLARGED SITE PLAN
C-200	GRADING AND DRAINAGE
PLAN C-300	UTILITY PLAN
C-400	DETAILS
C-500	EROSION CONTROL PLAN
C-501	EROSION CONTROL
DETAILS PP-1	STREET PLAN AND
PROFILE PP-2	STREET PLAN AND
PROFILE PP-3	STREET PLAN AND
PROFILE PP-4	STREET PLAN AND
PROFILE PP-5	STREET PLAN AND
PROFILE PP-6	STREET PLAN AND
PROFILE PP-7	STREET PLAN AND
PROFILE SSPP-1	SEWER PLAN AND
PROFILE SSPP-2	SEWER PLAN AND
PROFILE	
SSPP-3	SEWER PLAN AND PROFILE

DATE PRINTED
May 28, 2021

NOTICE TO CONTRACTOR

ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK SHOWN ON OR RELATED TO THESE PLANS SHALL CONDUCT THEIR OPERATIONS SO THAT ALL EMPLOYEES ARE PROVIDED A SAFE PLACE TO WORK AND THE PUBLIC IS PROTECTED. ALL CONTRACTORS AND SUBCONTRACTORS SHALL COMPLY WITH THE OCCUPATIONAL SAFETY AND HEALTH REGULATIONS OF THE U.S. DEPARTMENT OF LABOR AND THE STATE OF UTAH DEPARTMENT OF INDUSTRIAL RELATIONS CONSTRUCTION SAFETY ORDERS. THE CIVIL ENGINEER SHALL NOT BE RESPONSIBLE IN ANY WAY FOR THE CONTRACTORS AND SUBCONTRACTORS COMPLIANCE WITH SAID REGULATIONS AND ORDERS.

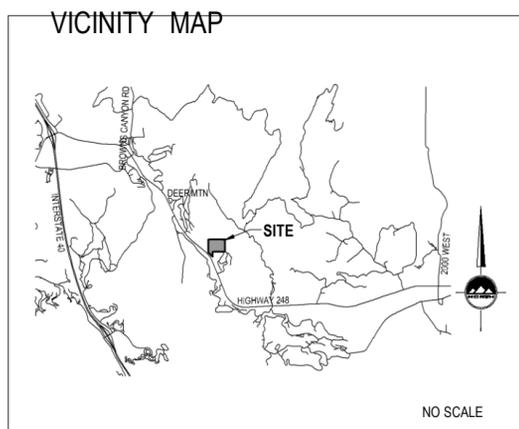
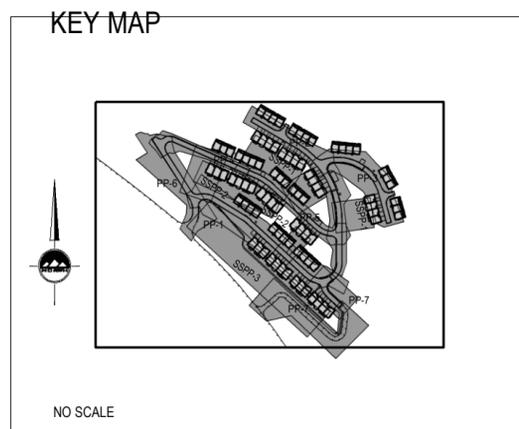
CONTRACTOR FURTHER AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB-SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE CIVIL ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

NOTICE TO DEVELOPER/ CONTRACTOR

UNAPPROVED DRAWINGS REPRESENT WORK IN PROGRESS, ARE SUBJECT TO CHANGE, AND DO NOT CONSTITUTE A FINISHED ENGINEERING PRODUCT. ANY WORK UNDERTAKEN BY DEVELOPER OR CONTRACTOR BEFORE PLANS ARE APPROVED IS UNDERTAKEN AT THE SOLE RISK OF THE DEVELOPER, INCLUDING BUT NOT LIMITED TO BIDS, ESTIMATION, FINANCING, BONDING, SITE CLEARING, GRADING, INFRASTRUCTURE CONSTRUCTION, ETC.

UTILITY DISCLAIMER

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND / OR ELEVATIONS OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.



GENERAL NOTES

- ALL WORK SHALL CONFORM TO THE TOWN OF HIDEOUT STANDARDS & SPECIFICATIONS.
- CALL BLUE STAKES AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

ENSIGN
THE STANDARD IN ENGINEERING

SALT LAKE CITY
45 W. 10000 S., Suite 500
Sandy, UT 84070
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

SOLSTICE HOMES
84 MANILLA DRIVE
DRAPER, UTAH 84020

PHONE:
CHRIS ENSIGN
713-373-1172

THE VIEW AT HIDEOUT

708 EAST HIGHWAY 248
HIDEOUT, UTAH



NO.	DATE	REVISION	BY
1-1	2021	INTERSECTION REVISED	CDG
5-27-2021		ROAD WORKING	CDG

1455	6/9/2021
PL	MORRIS
PROJECT NUMBER	PRINT DATE
DRAWN BY	CHECKED BY
PROJECT	

KLAIM PHASE 1 SUBDIVISION

LOCATED IN THE NORTHEAST CORNER OF SECTION 17,
TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN
HIDEOUT, WASATCH COUNTY, UTAH
FINAL PLAT

I, Patrick M. Harris, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 286882 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, hereafter to be known as

KLAIM PHASE 1 SUBDIVISION

and that same has been surveyed and staked on the ground as shown on this plat.

Beginning at a point being South 89°34'12" West 2,118.10 feet along the section line and South 877.77 feet from the Northeast Corner of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian; and running

thence North 89°31'25" East 340.08 feet; thence South 30°06'55" West 33.64 feet; thence South 59°53'05" East 175.00 feet; thence South 44°40'21" East 220.00 feet; thence South 42°25'36" West 183.59 feet; thence North 47°36'18" West 86.21 feet; thence South 42°25'36" West 83.00 feet; thence South 47°34'24" East 60.00 feet; thence South 42°25'36" West 26.00 feet; thence North 47°34'24" West 51.00 feet; thence South 42°25'36" West 91.95 feet; thence North 47°34'24" West 105.48 feet to the Northerly Right of Way Line of State Highway 298 as defined by the Utah Department of Transportation Right of Way Plans for Project No. NF-81; thence along said Northerly Right of Way Line the following two (2) courses: (1) thence North 21°46'31" West 220.50 feet; (2) thence North 34°04'21" West 273.32 feet to the point of beginning. Contains 160,375 Square Feet or 3.744 Acres

beginning. Contains 160,375 Square Feet or 3.744 Acres



NORTHEAST CORNER SECTION 17
TOWNSHIP 2 SOUTH, RANGE 5 EAST
SALT LAKE BASE AND MERIDIAN

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	100.00'	5.62'	3°13'17"	N60°06'19"W	5.62'
C2	200.00'	38.12'	10°55'17"	N53°02'02"W	38.07'
C3	40.00'	3.38'	4°50'39"	S68°36'14"E	3.38'
C4	300.00'	97.43'	18°36'30"	N56°52'39"W	97.01'
C5	113.00'	20.81'	10°33'14"	N63°46'18"W	20.79'
C6	213.00'	23.65'	6°21'45"	N55°18'48"W	23.64'
C7	213.00'	16.95'	4°33'33"	N49°51'09"W	16.94'
C8	187.00'	35.64'	10°55'17"	N53°02'02"W	35.59'
C9	52.00'	18.11'	19°57'35"	N76°09'42"W	18.02'
C10	288.00'	26.05'	5°10'56"	N63°35'26"W	26.04'
C11	288.00'	30.85'	6°08'12"	N57°55'52"W	30.83'
C12	288.00'	33.77'	6°43'07"	N51°30'12"W	33.75'
C13	288.00'	2.87'	0°34'14"	N47°51'31"W	2.87'
C14	312.00'	19.56'	3°35'34"	N49°22'11"W	19.56'
C15	312.00'	33.92'	6°13'42"	N54°16'49"W	33.90'
C16	312.00'	8.93'	1°38'23"	N58°12'51"W	8.93'
C17	312.00'	6.83'	1°15'11"	N63°09'03"W	6.83'
C18	312.00'	13.09'	2°24'13"	N64°58'48"W	13.09'
C19	28.00'	43.98'	90°00'00"	N2°34'24"W	39.60'
C20	28.00'	43.98'	90°00'00"	S87°25'36"W	39.60'
C21	28.00'	43.98'	90°00'00"	N2°34'24"W	39.60'
C22	28.00'	43.98'	90°00'00"	S87°25'36"W	39.60'
C23	332.50'	20.18'	3°28'40"	N60°46'44"W	20.18'

POINT TABLE

PINT	NORTHING	EASTING	DESCRIPTION
1			NE COR SEC 17
2	7406748.12	1669320.33	
3	7406708.13	1663993.79	NW COR SEC 17
4	7405660.16	1667465.61	BLDG PAD
5	7405602.11	1667494.60	BLDG PAD
6	7405627.44	1667602.64	BLDG PAD
7	7405485.49	1667573.65	BLDG PAD
8	7405542.10	1667697.21	BLDG PAD
9	7405501.23	1667669.66	BLDG PAD
10	7405590.09	1667562.95	BLDG PAD
11	7405630.96	1667600.50	BLDG PAD
12	7405643.06	1667578.67	BLDG PAD
13	7405692.28	1667556.26	BLDG PAD
14	7405645.32	1667436.11	BLDG PAD
15	7405696.09	1667458.52	BLDG PAD
16	7405700.00	1667449.68	BLDG PAD
17	7405649.22	1667427.27	BLDG PAD
18	7405689.34	1667336.39	BLDG PAD
19	7405740.11	1667358.81	BLDG PAD
20	7405801.27	1667368.93	BLDG PAD
21	7405847.93	1667389.52	BLDG PAD
22	7405807.81	1667480.40	BLDG PAD
23	7405761.16	1667459.80	BLDG PAD
24	7405756.27	1667470.95	BLDG PAD
25	7405802.93	1667491.55	BLDG PAD
26	7405749.89	1667611.70	BLDG PAD
27	7405703.23	1667591.10	BLDG PAD
28	7405696.22	1667628.48	BLDG PAD
29	7405723.86	1667692.88	BLDG PAD
30	7405656.85	1667736.21	BLDG PAD
31	7405619.20	1667701.80	BLDG PAD
32	7405611.20	1667710.55	BLDG PAD
33	7405648.85	1667744.96	BLDG PAD
34	7405581.84	1667818.28	BLDG PAD
35	7405544.19	1667783.87	BLDG PAD

UTILITY DEDICATION

By execution of this plat, the Owner(s) shown below does hereby grant and convey to the Town of Hideout and other public utility companies, a permanent easement and right of way in and to those areas reflected on the map and defined as "COMMON AREA" for construction and maintenance of approved public utilities and appurtenances together with right of access thereto.

RESERVATION OF COMMON AREAS

By execution of this plat, the Owner(s) shown below does hereby reserve all areas shown on this plat "COMMON AREA" for the common enjoyment of all owners and such owners guests and invitees to the project.

Know all men by these presents that _____, the undersigned owner() of the hereon described tracts of land, and hereby cause the same to be divided into lots and streets together with easements as set forth on this plat, hereafter to be known as

KLAIM PHASE 1 SUBDIVISION

Also, the owner(s) hereby dedicate to the Town of Hideout, a non-exclusive easement for the access and utility easements and roadways shown hereon for the purpose of providing access and for utility installation, maintenance, use and eventual replacement, and to provide emergency services, with respect to the subdivision and also dedicate to the public the roads and public trails as shown on this plat intended for the use of the public.

In witness whereof _____ have hereunto set _____ this _____ day of _____ A.D., 20____.

On the _____ day of _____ A.D., 20____, _____ personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of _____ who after being duly sworn, acknowledged to me that _____ a Limited Liability Company, that _____ signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned.

On the _____ day of _____ A.D., 20____, _____ personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of _____ who after being duly sworn, acknowledged to me that _____ a Limited Liability Company, that _____ signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned.

On the _____ day of _____ A.D., 20____, _____ personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of _____ who after being duly sworn, acknowledged to me that _____ a Limited Liability Company, that _____ signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned.



PROJECT: 45 W. 10000 S., Suite 500
NUMBER: Sandy, UT 84070
MANAGER: Phone: 801.255.0529
DRAWN BY: SALT LAKE CITY

NORTHWEST CORNER SECTION 17
TOWNSHIP 2 SOUTH, RANGE 5 EAST
SALT LAKE BASE AND MERIDIAN 3209.19'

SOUTH
POINT OF BEGINNING
C3
16.71'
C2
1.42'
C1
22.59'

N 89°34'12" E BASIS OF BEARING
5327.29' (MEASURED)
2118.10'

GRAND SUMMIT POINTE, LLC
OHI-0017-0-017-025

N 89°31'25" E 340.08'

S 30°06'55" W 33.64'

KLAIM LLC
OHI-0011-0-017-025

S 59°53'05" E 175.00'

154.41'
154.33'

N 54°04'21" W 272.32'

222.62'

55.50'

33.67'

33.67'

33.67'

33.67'

33.67'

33.67'

33.67'

33.67'

33.67'

33.67'

33.67'

33.67'

- PLAT NOTES:
1. THE OWNER OF EACH LOT SHOWN ON THIS PLAT WILL HAVE AN EASEMENT OVER THE DRIVEWAY ADJACENT TO SUCH LOT AND WILL BE RESPONSIBLE FOR THE YEAR ROUND MAINTENANCE OF SUCH DRIVEWAY, INCLUDING SNOW REMOVAL.
 2. THE HOMEOWNERS ASSOCIATION WILL MAINTAIN ALL PROPERTY SHOWN ON THE PLAT AS COMMON AREA AND ALL OTHER PROPERTY WHICH IS NOT DEDICATED TO THE PUBLIC OR REQUIRED TO BE MAINTAINED BY THE OWNER.
 3. DEVELOPMENT LIMITED TO 12 COMPLETED UNITS UNTIL ALL DEVELOPMENT IMPROVEMENTS ARE COMPLETE.

SECTION CORNER
PROPOSED STREET MONUMENT

SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENGIN ENG. & LAND SURV."

BOUNDARY LINE SECTION
LINE CENTER
LINE
EASEMENTS

PRIVATE AREA

COMMON AREA

PARCEL B (COMMON AREA)
33,814 sq. ft.
0.776 acres

PARCEL A (COMMON AREA)
14,060 sq. ft.
0.323 acres

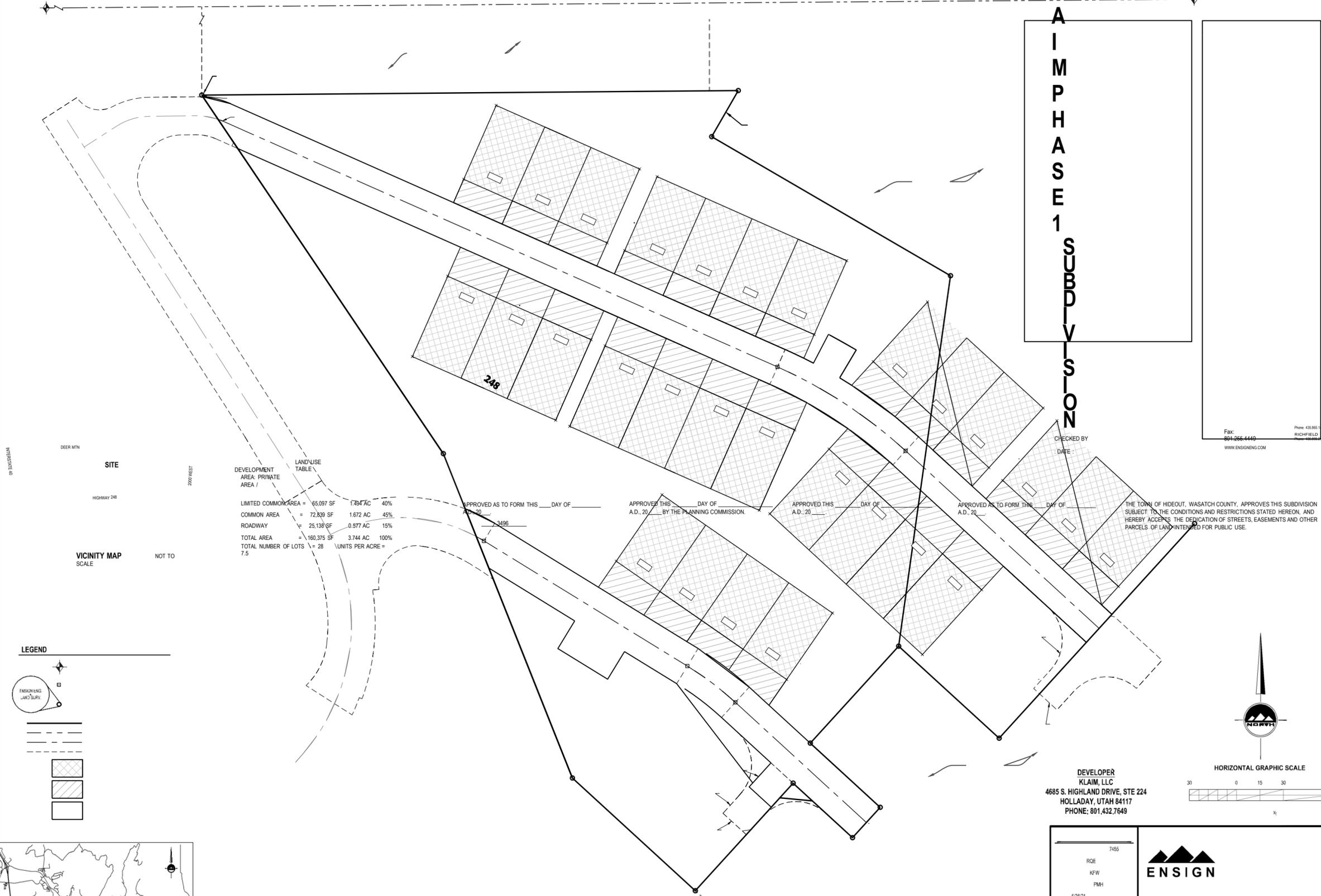
PARCEL C (COMMON AREA)
24,964 sq. ft.
0.573 acres

KLAIM DRIVE (PUBLIC STREET)

MINER WAY (PUBLIC STREET)

STATE ROUTE

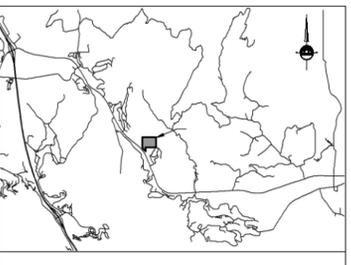
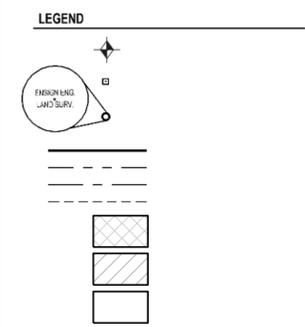
LAYTON
Phone: 801.541.1100
TUCULEE
Phone: 435.843.3090
CEDAR CITY



SITE
DEER MTN
HIGHWAY 248
VICINITY MAP SCALE
NOT TO

LAND USE TABLE

DEVELOPMENT AREA: PRIVATE AREA /			
LIMITED COMMON AREA =	65,097 SF	1.494 AC	40%
COMMON AREA =	72,839 SF	1.672 AC	45%
ROADWAY =	25,136 SF	0.577 AC	15%
TOTAL AREA =	160,375 SF	3.744 AC	100%
TOTAL NUMBER OF LOTS =	28		UNITS PER ACRE = 7.5



KLAIMPHASE 1 SUBDIVISION

Checked by: _____
Date: _____

Phone: 435.863.9103
Fax: 801.266.4449
RICHFIELD
WWW.ENSIGN.COM

SURVEYOR'S CERTIFICATE

BOUNDARY DESCRIPTION

DATE: _____

PATRICK M. HARRIS
P.L.S. 28692

LOCATED IN THE NORTHEAST CORNER OF SECTION 17,
TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND
MERIDIAN HIDEOUT, WASATCH COUNTY, UTAH

OWNER'S CERTIFICATE AND CONSENT TO RECORD

THE TOWN OF HIDEOUT, WASATCH COUNTY, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC USE.

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH _____ S.S.
COUNTY OF _____

MY COMMISSION EXPIRES _____

NOTARY PUBLIC
RESIDING IN _____ COUNTY

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH _____ S.S.
COUNTY OF _____

MY COMMISSION EXPIRES _____

NOTARY PUBLIC
RESIDING IN _____ COUNTY

DEVELOPER
KLAIM, LLC
4685 S. HIGHLAND DRIVE, STE 224
HOLLADAY, UTAH 84117
PHONE: 801.432.7649

7455
RQE
KFW
PMH
5/28/21



COUNTY SURVEYOR	PLANNING COMMISSION	ENGINEERING DEPARTMENT	APPROVAL AS TO FORM	ADMINISTRATIVE BODY
ROS # _____ COUNTY SURVEYOR _____	CHAIR, PLANNING COMMISSION _____	DIRECTOR, ENGINEERING DEPARTMENT _____	HIDEOUT TOWN ATTORNEY _____	MAYOR _____ DATE _____ ATTORNEY _____ DATE _____

RECORDED #

STATE OF UTAH, COUNTY OF WASATCH, RECORDED AND FILED AT THE
REQUEST OF: _____

DATE: _____ TIME: _____ HOUR: _____ PAGE: _____

FEES _____ DEPUTY WASATCH COUNTY RECORDER _____

KLAIM PHASE 2 SUBDIVISION

LOCATED IN THE NORTHEAST CORNER OF SECTION 17,
TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN
HIDEOUT, WASATCH COUNTY, UTAH
FINAL PLAT

NORTHWEST CORNER SECTION 17
TOWNSHIP 2 SOUTH, RANGE 5
EAST SALT LAKE BASE AND
MERIDIAN

N 89°34'12" E BASIS OF BEARING
5327.29' (MEASURED)
3838.45'

1488.84'

NORTHEAST CORNER SECTION 17
TOWNSHIP 2 SOUTH, RANGE 5
EAST SALT LAKE BASE AND
MERIDIAN



CURVE TABLE						POINT TABLE			
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD	PINT	NORTHING	EASTING	DESCRIPTION
C1	83.00'	192.04'	132°34'09"	N66°08'31"E	151.98'	1	7406748.12	1669320.93	NE COR SEC 17
C2	100.00'	74.30'	42°34'09"	S68°51'29"E	72.60'	2	7406708.13	1663993.79	NW COR SEC 17
C3	68.00'	5.90'	4°58'26"	S50°03'37"E	5.90'	10	7405438.71	1667625.54	BLDG PAD
C4	68.00'	151.43'	127°35'43"	N63°39'18"E	122.02'	11	7405476.35	1667659.94	BLDG PAD
C5	28.00'	41.58'	85°04'31"	N42°40'48"W	37.86'	12	7405387.75	1667756.89	BLDG PAD
C6	28.00'	49.63'	101°33'19"	N50°38'07"E	43.38'	13	7405350.10	1667722.48	BLDG PAD
C7	88.00'	47.13'	30°41'18"	S63°14'35"E	46.57'	14	7405334.81	1667739.21	BLDG PAD
C8	112.00'	42.61'	21°47'44"	S74°19'12"E	42.35'	15	7405283.85	1667870.56	BLDG PAD
C9	112.00'	30.98'	15°50'56"	S55°29'52"E	30.88'	16	7405246.21	1667836.15	BLDG PAD
						17	7405401.15	1667851.81	BLDG PAD
						18	7405360.19	1667814.36	BLDG PAD
						19	7405448.79	1667717.42	BLDG PAD
						20	7405448.79	1667717.42	BLDG PAD
						21	7405489.76	1667754.86	BLDG PAD

LINE TABLE		
LINE	BEARING	LENGTH
L1	N42°25'36"E	20.50'
L2	S42°25'36"W	20.50'
L3	S47°34'24"E	19.00'
L4	S58°53'00"E	20.40'

I, Patrick M. Harris, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 28682, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, hereafter to be known as

KLAIM PHASE 2 SUBDIVISION

and that same has been surveyed and staked on the ground as shown on this plat.

beginning at a point being South 89°34'12" West 1,488.84 feet along the section line and South 1,153.02 feet from the Northeast Corner of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian; and running thence South 43°50'38" East 147.59 feet; thence North 89°51'27" East 30.00 feet; thence South 00°08'33" East 188.79 feet; thence Southwesterly 226.75 feet along the arc of a 58.00 foot radius curve to the right (center bears South 89°51'27" West and the chord bears South 66°08'32" West 179.45 feet with a central angle of 132°34'09"); thence North 47°34'24" West 251.12 feet to the westerly boundary line of Klaim Phase 1 Subdivision; thence along said westerly boundary line the following five (5) courses: (1) North 42°25'36" East 25.00 feet; (2) North 47°34'24" West 60.00 feet; (3) North 42°25'36" East 83.00 feet; (4) South 47°36'18" East 82.21 feet; (5) North 42°25'36" East 183.59 feet to the point of beginning. Contains 88.215 Square Feet or 2.025 Acres



UTILITY DEDICATION

By execution of this plat, the Owner(s) shown below does hereby grant and convey to the Town of Hideout and other public utility companies, a permanent easement, and right of way in and to those areas reflected on the map and defined as "COMMON AREA" for construction and maintenance of approved public utilities and appurtenances together with right of access thereto.

RESERVATION OF COMMON AREAS

By execution of this plat, the Owner(s) shown below does hereby reserve all areas shown on this plat "COMMON AREA" for the common enjoyment of all owners and such owners guests and invitees to the project.

Know all men by these presents that _____, the _____ undersigned owner() of the hereon described tracts of land, and hereby cause the same to be divided into lots and streets together with easements as set forth on this plat, hereafter to be known as

KLAIM PHASE 2 SUBDIVISION

Also, the owner(s) hereby dedicate to the Town of Hideout, a non-exclusive easement for the access and utility easements and roadways shown hereon for the purpose of providing access and for utility installation, maintenance, use and eventual replacement, and to provide emergency services, with respect to the subdivision and also dedicate to the public the roads and public trails as shown on this plat intended for the use of the public.

In witness whereof _____ have hereunto set _____ this ____ day of _____ A.D., 20____.

On the ____ day of _____ A.D., 20____, _____ personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of _____, who after being duly sworn, acknowledged to me that _____ a Limited Liability Company, that _____ signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned.

On the ____ day of _____ A.D., 20____, _____ personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of _____, who after being duly sworn, acknowledged to me that

KLAIM PHASE 2 SUBDIVISION

LOCATED IN THE NORTHEAST CORNER OF SECTION 17,
TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND
MERIDIAN HIDEOUT, WASATCH COUNTY, UTAH

- SECTION CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENGIN ENG. & LAND SURV."
- BOUNDARY LINE SECTION
- LINE CENTER
- LINE EASEMENTS
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMON AREA

- PLAT NOTES:
- THE OWNER OF EACH LOT SHOWN ON THIS PLAT WILL HAVE AN EASEMENT OVER THE DRIVEWAY ADJACENT TO SUCH LOT AND WILL BE RESPONSIBLE FOR THE YEAR ROUND MAINTENANCE OF SUCH DRIVEWAY, INCLUDING SNOW REMOVAL.
 - THE HOMEOWNERS ASSOCIATION WILL MAINTAIN ALL PROPERTY SHOWN ON THE PLAT AS COMMON AREA AND ALL OTHER PROPERTY WHICH IS NOT DEDICATED TO THE PUBLIC OR REQUIRED TO BE MAINTAINED BY THE OWNER.

IMPROVEMENTS ARE COMPLETE.

LAND USE			
TABLE DEVELOPMENT AREA:			
PRIVATE AREA			
LIMITED COMMON AREA =	27,576 SF	0.633 AC	31%
COMMON AREA =	35,272 SF	0.810 AC	40%
ROADWAY =	25,367 SF	0.582 AC	29%
TOTAL AREA =	88,215 SF	2.025 AC	100%

APPROVED AS TO FORM THIS ____ DAY OF _____ A.D., 20____ 3496	APPROVED THIS ____ DAY OF _____ A.D., 20____ BY THE PLANNING COMMISSION.	APPROVED THIS ____ DAY OF _____ A.D., 20____.	APPROVED AS TO FORM THIS ____ DAY OF _____ A.D., 20____, HEREBY ACCEPTS THE
---	--	---	---

THE TOWN OF HIDEOUT, WASATCH COUNTY, APPROVES THIS SUBDIVISION THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND DEDICATION OF STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC USE.

SHEET 1 OF 1

PROJECT NUMBER :
MANAGER :
DRAWN BY :
CHECKED BY :
DATE :

SALT LAKE CITY
45 W. 10000 S., Suite 500
Phone: 801.255.0529
Fax: 801.255.4449
WWW.ENGINENR.COM

LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3900
CEDAR CITY
Phone: 435.862.1033
RICHFIELD
Phone: 435.896.2903

(IN FEET)
HORZ: 1 inch =



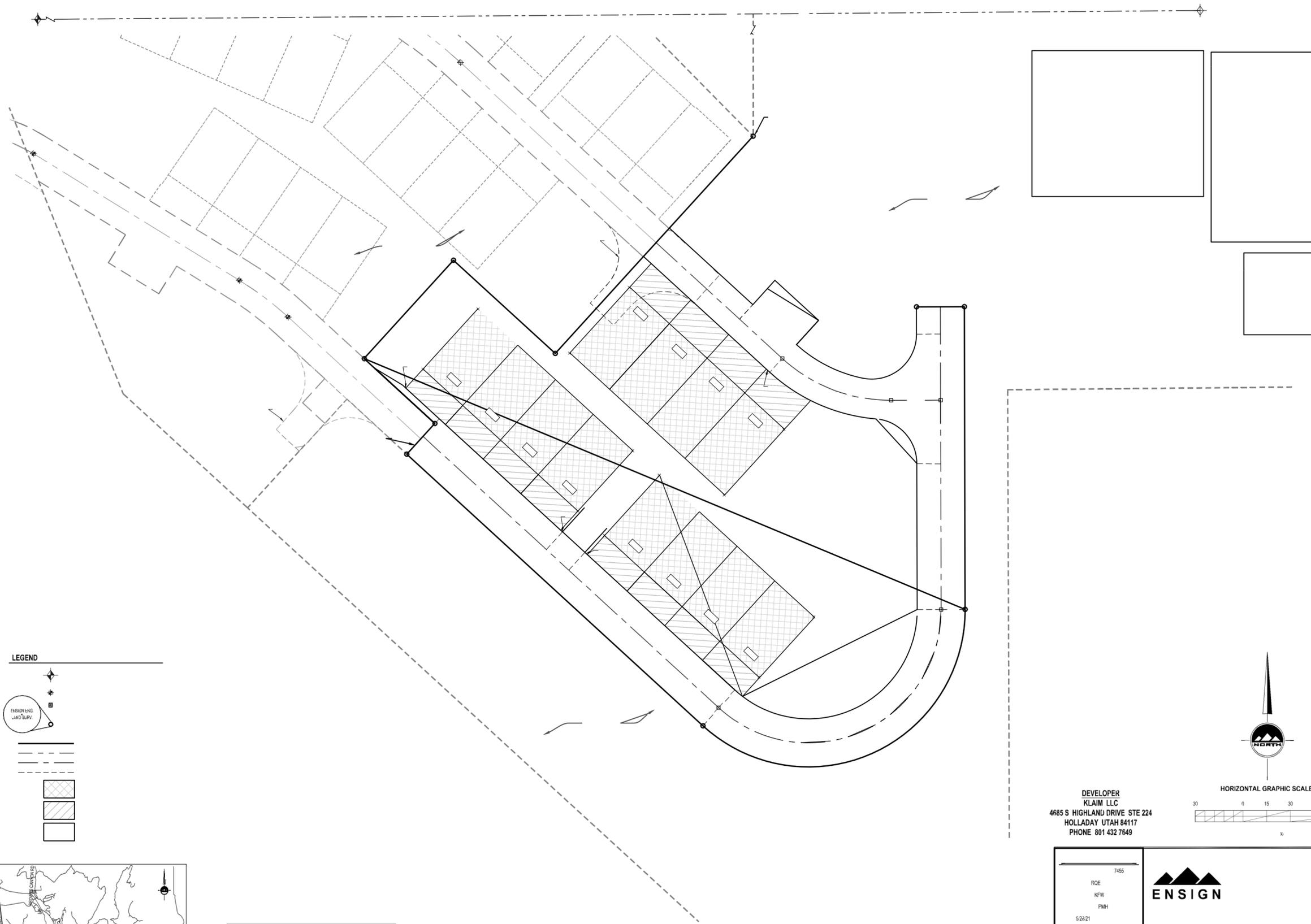
DEER MTN

SITE

HIGHWAY 248

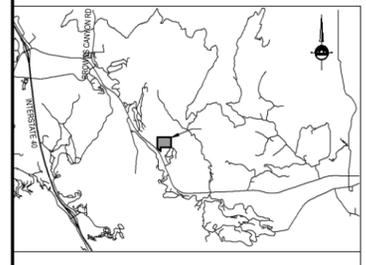
2009 WEST

T O T A
 VICINITY MAP NOT TO SCALE
 L NUMBER OF LOTS = 12 UNITS PER ACRE = 5.9

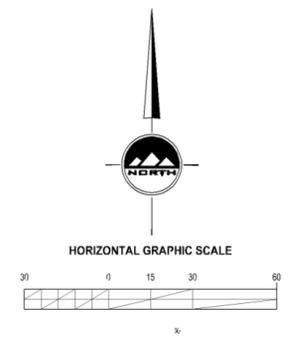


LEGEND

- ENGLISH LAND SURVEY
- Property boundary symbols
- Shaded area symbols



DEVELOPER
 KLAIM LLC
 4685 S HIGHLAND DRIVE STE 224
 HOLLADAY UTAH 84117
 PHONE 801 432 7649



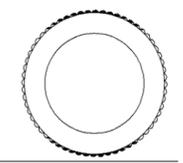
7455
 RQE
 KFW
 PMH
 5/29/21



SURVEYOR'S CERTIFICATE

BOUNDARY DESCRIPTION

DATE _____ PATRICK M. HARRIS
 PLS 28682



OWNER'S CERTIFICATE AND CONSENT TO RECORD

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH _____
 COUNTY OF _____

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
 RESIDING IN _____ COUNTY

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH _____
 COUNTY OF _____

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
 RESIDING IN _____ COUNTY

COUNTY SURVEYOR	PLANNING COMMISSION	ENGINEERING DEPARTMENT	APPROVAL AS TO FORM	ADMINISTRATIVE BODY	RECORDED #
ROS # _____	CHAIR PLANNING COMMISSION _____	DIRECTOR ENGINEERING DEPARTMENT _____	HIDEOUT TOWN ATTORNEY _____	MAYOR _____ DATE _____ ATTEST CLERK _____ DATE _____	STATE OF UTAH COUNTY OF WASATCH RECORDED AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ HOUR _____ PAGE _____ FEES _____ DEPUTY WASATCH COUNTY RECORDER

TOWN COUNCIL MEETING MINUTES
December 14, 2017

1. Call to Order and Pledge of Allegiance

Mayor Pro Temp Dean Heavrin called to order the meeting of the Town Council of the Town of Hideout at 6:00 p.m. on December 14, 2017 at 10860 North Hideout Trail, Hideout, Utah and led the Pledge of Allegiance.

2. Roll Call

The mayor pro-temp conducted a roll call. The following Council Members were present:

Dean Heavrin
Hanz Johansson
Doug Egerton
Absent: Mayor Martino
Cyndie Neel
Jim Wahl

Also attending: Town Clerk - Lynette Hallam, Public Works – Kent Cuillard, Chris Baier, Bill Bartlett, Lisa Bartlett, Ken Bloch, Melyssa Davidson, Chris Ensign, Glen Gabler, Brett LaBar, Dan Mouthaan, Mary Mouthaan, Will Pratt, Phil Rubin, Ralph Severini, Kurt Shadle, Lynne Shadle, Rick Shapiro, Mike Stewart and Jack Walkenhorst

3. MINUTES - Consideration and Approval of Minutes for Regular Meeting of November 9, 2017

Council Member Doug Egerton motioned to approve the minutes of the regular meeting of November 9, 2017. Council Member Hanz Johansson seconded the motion. The motion passed unanimously with affirmative votes from Councilors Egerton, Johansson and Heavrin.

4. PUBLIC HEARING – Possible Approval of the Final Plat for KLAIM, formerly Jordanelle Ranches, subdivision located at approximately 7003 East SR248, Hideout, Utah

Chris Ensign reported he had met last week with the Planning Commission which gave a positive recommendation to the Council. Mr. Ensign pointed out the trails and amenities and stated he had worked with Dave Erichsen on the things he had requested.

Council Member Hanz Johansson asked if the trails were public trails. Chris Ensign stated they were public. There was further discussion between Councilor Johansson and Chris Ensign concerning the trails.

Councilor Doug Egerton clarified Mr. Ensign has went over the plans with Dave Erichsen. Mr. Ensign said he had and referred to the list from Mr. Erichsen the Council and he had a copy of. Councilor Egerton asked if this development was a part of the Community Preservation HOA or on their own. Chris Ensign stated they would have their own HOA. Councilor Egerton asked if there would be any Master HOA services needing to be shared. Chris Ensign said not to his understanding. Scott Dubois, representing Mustang Development, felt cost-sharing of electric and gas across SR 248 does need to be addressed. Chris Ensign said he did not have any information about the matter and would like to be able to read about it.

Councilor Doug Egerton stated the language in the Master Development Agreement gives the master developer the right to be reimbursed on utilities. The Town has not yet decided how that will be done. There is an impact fee study being done. If another development attaches to those utilities, there would probably be an argument through the MDA and through fairness, those cost a certain amount of money. Some methodology would be involved in determining what that cost is. Chris Ensign stated he would like to get a better understanding of the situation. Scott Dubois said he could talk to Mr. Ensign.

Council Member Hanz Johansson asked about the grade of the roads. Chris Ensign replied the steepness of the property starts to occur just above the development. Councilor Johansson inquired if a 12 percent slope is something we can plow. Mr. Ensign said he would push for a 10 percent slope. Councilor Johansson asked about the entrance(s).

Council Member Doug Egerton liked the design because it is different but had some concerns about the flat roofs. Chris Ensign admitted he is not quite sure on the flat roof. Mr. Ensign said has built over 300 and has had no issues. Mr. Ensign stated he will explore the snow load, and offered that the roofs could have a little pitch.

Councilor Hanz Johansson asked what will grow on top of these roofs. Chris Ensign said it would be natural grasses. Mr. Ensign stated they might not be able to do it, but they will do what they have to do. Chris Ensign stated he is excited about the project.

Council Member Johansson asked about the acceleration and deceleration lanes. Mr. Ensign answered they have submitted a proposal to UDOT. Councilor Egerton asked if it was anticipated UDOT would agree. Chris Ensign said he felt comfortable with the prospect.

Council Member Hanz Johansson asked where the developer got the name of KLAIM for the developer. Chris Ensign talked about the mining town history of the area and stated the name came from there.

Council Member Dean Heavrin commented about the length of the driveways. Chris Ensign detailed they will be 20 to 22 feet.

Councilor Johansson expressed his appreciation for the 73 percent open space and the pavilion.

Chris Ensign commented on their CCR's and HOA. The design requirement will cover all exterior surfaced. Mr. Ensign stated they only build attached products.

Council Member Hanz Johansson asked about the CCR's. Mr. Ensign indicated he had given Dave Erichsen a template

Mayor pro-temp Dean Heavrin opened the hearing to public comment.

Rick Shapiro commented on representation of revegetation and slope control. How is enforcement carried out? Does the Town retain leverage to insure revegetation occurs as promised? Mr. Shapiro felt like the residents are on their own to remedy problems. Chris Ensign stated they use a blend of natural seed. Mr. Shapiro brought up irrigation and asked if revegetation is going to be satisfactory. Council Member Johansson said it takes four years. Mayor pro-temp Dean Heavrin asked if they have a landscape engineer. Mr. Ensign said they did and while it is under construction, they are motivated to keep it looking good so they can sell the properties.

The mayor pro-temp said they do have requirements to a certain extent. Mayor pro-temp Heavrin stated Dave Erichsen will look at the situation and push back to the HOA to possibly put more money back to revegetation. Chris Ensign said they will have retention, most likely boulders.

Will Pratt asked, with this project not being part of the Community Preservation Association, what process will be used for design review; how will the quality standard be maintained? Chris Ensign said they are not part of the Master HOA and do not have some of the amenities that HOA provides. Mr. Ensign indicated their history as builders is they like a nice product. The developer said they want to be unique and cater to a higher end product.

Mayor pro-temp Dean Heavrin said the developer will have to come in with final elevations to the Town Council. Mayor pro-temp Heavrin pointed out their proposed products and materials are natural wood and real rock.

Ralph Severini asked if there Town regulations to deal with vegetation and slopes during the development process or after; it is incumbent on the Town to have a better policy on vegetation. Mike Stewart said vegetation doesn't do well with rock. Rustler vegetation gets thicker every year, and the Master HOA doesn't like grass.

Council Member Doug Egerton stated the Town Code requires certain engineering standards. There may be conflicting engineering assessments. If it truly is rock, maybe we're just dealing with aesthetics. Rustler and GCD need to come to a resolution.

Lisa Bartlett asked what control the Town has over the DRC and the HOA. Councilor Egerton said the Town has no control; the most onerous requirement wins.

Chris Baier was thankful for the major depiction of trails – good trails. People will come to use them and see our beautiful area. Ms. Baier recommended there be better trailhead parking and asked how many miles of trails there are. Chris Ensign stated would like to meet with Ms. Baier.

Chris Baier stated flat roofs are a concern and asked if the developer had built this type of home in this type of climate and environment. Mr. Ensign stated they have built in Salt Lake City, and their engineers take into consideration snow load, weather, etc. The push and pull having a unique product and the utility of the product. Chris Ensign said they could possibly increase the pitch. On actual build site everything will be engineered.

Mayor pro-tem Heavrin asked about the size of the homes. Chris Ensign replied they will be 2200-2500 square feet, 3 bedroom town homes

Kurt Shadle asked if this was the first public presentation for this project. He was told it was not. Chris Ensign stated this was the fourth time they had presented.

Mayor pro-tem Dean Heavrin closed the public hearing.

Council Member Doug Egerton made the motion to approve the project with the stipulation the Town engineer gives the go-ahead. There was further discussion and the motion was allowed to die.

Mayor pro-tem Dean Heavrin suggested that cost-sharing should be addressed. Melyssa Davidson, attorney for the master developer, asked about the list. Ms. Davidson asked if that addressed the issue of the roads beyond what is being constructed, that the developer would pay into the costs during construction to pay into the extra plowing costs; they just want to make sure there is a level playing field here. Council Member Egerton pointed out the roads are significantly shorter in this development than in Golden Eagle which would not agree to doing in phases. KLAIM has said they will do phasing. Chris Ensign stated they are doing twenty units at a time, starting at the bottom. The Town will only plow under construction or occupied. The mayor pro-tem pointed out the roads have to be deeded over to the Town before the Town has to plow. Councilor Doug Heavrin suggested if the Town takes over the roads, the developer will help with the costs until that phase is 50% occupied. The Town is only responsible for the phase under construction.

There was some discussion of when trails should be completed.

Council Member Doug Heavrin made the motion that upon satisfactory resolution of Dave Erichsen's requirements and with four phases, approximately twenty units each, starting at the bottom (transferring and timing of such, will be based on that phasing plan) and with encouragement to look at additional trailhead parking, the KLAIM subdivision be approved. Council Member Hanz Johansson seconded the motion. The motion was amended to require the elevations come to the Town Council first. Councilor Hanz Johansson agreed with the amendment. Council Member Hanz Johansson seconded the amended motion. The motion passed unanimously with Councilors Egerton, Johansson and Heavrin voting "aye".

5. CONTINUED ITEM - Possible Approval of the Final Plat for Phase II of Shoreline Village Subdivision

Mike Stewart stated that the biggest concern was having curves to the roads on the continuation of final plat.

Mayor pro-tem Dean Heavrin asked about the slope in Phase II. Glen Gabler said the cross streets were four to five percent; the others eight to nine percent. Mr. Gabler showed the drop and gain. The buildings are not on a flat terrain, they are stepped. From the bottom road to the top road, it is over 100 feet. Council Member Hanz Johansson asked how tall the buildings are. Glen Gabler stated the buildings are eighteen to twenty feet from the curb to ridgeline.

Councilor Hanz Johansson commented this subdivision was right next to the State Park, and there is a trail right across the fence. Mike Stewart pointed out the Master HOA does not want a gate to the trail. Councilor Johansson asked if the trails are going to connect. Mr. Stewart indicated the trails will just be for the Master HOA members. The HOA does not want the trails to connect.

Council Member Doug Egerton made the motion to approve Phase II of the Shoreline Village subdivision when engineering modifications have been completed and submitted to the Town. Council Member Hanz Johansson seconded the motion. The motion passed with unanimous approval from Councilors Egerton, Johansson and Heavrin.

5. CONSIDERATION & APPROVAL OF BILLS TO BE PAID – Approval of Payment of November 2017 Bills

Councilor Hanz Johansson made the motion to approve payment of the November, 2017 bills. Councilor Doug Egerton seconded the motion. The motion passed unanimously with affirmative votes from Council Members Egerton, Johansson, and Heavrin.

6. REVIEW FINANCIAL STATEMENTS, IF NEEDED

No discussion.

7. PUBLIC INPUT

None.

8. ADJOURNMENT

Council Member Hanz Johansson made the motion to adjourn the Hideout Town Council Meeting.

The meeting adjourned at 7:15 p.m.

Lynette Hallam, Town Clerk

Approved: 1/11/18