Minutes
Town of Hideout
Town Council Special Meeting
October 29, 2025

The Town Council of Hideout, Wasatch County, Utah, met in Regular Meeting and Public Hearing on October 29, 2025, at 4:00 PM in the City Council Chambers located at 10860 North Hideout Trail, Hideout, Utah.

Special Meeting

I. Call To Order and Pledge of Allegiance

Mayor Ralph Severini called the meeting to order at 4:05 p.m. and led the Pledge of Allegiance.

II. Roll Call

Present:	Mayor Ralph Severini
	Council Member Jonathan Gunn (attending via Zoom)
	Council Member Carol Haselton
	Council Member Bob Nadelberg
	Council Member Chris Baier (attending via Zoom)
	Council Member JD Cronin
Staff Present:	Thomas Eddington, Town Planner
	Polly McLean, Town Attorney
	Dennis Pay, Town Engineer
	Jan McCosh, Town Administrator
	Alicia Fairbourne, Town Recorder

III. Public Hearing Agenda (*Continued from October 9, 2025*)

1. Discussion and Possible Approval of an Amendment of the Official Town of Hideout Zoning Map to Rezone Parcels 00-0020-8181, 00-0020-8182, 00-0020-8184, and 00-0020-8185 (the "Elkhorn Springs" Development) from the Mountain (M) Zone to Neighborhood Mixed Use (NMU), Residential 3 (R3), Residential 6 (R6), Residential 20 (R20), and Natural Preservation (NP).

Mayor Severini reported that the Elkhorn Springs development discussion is a continuation from the October 9, 2025, Town Council Meeting. The Council will discuss the proposed Rezone and Master Development Agreement ("MDA"). Mayor Severini reported that the Recorder for Hideout, Alicia Fairbourne, has been an excellent resource, but this is her last Town Council Meeting. He thanked Ms. Fairbourne for all of her hard work. Town Administrator, Jan McCosh, she has been a significant part of the town for the last five years and has done a lot of wonderful work for the community.

It was noted that the applicant, Nate Brockbank, was attending the meeting virtually. Other members of the applicant team, Eric Davenport, Patrick Holmes, and Spencer Holmes, were also attending the meeting. Mayor Severini stated that this item has been discussed by the Council a few times already. He asked about the appropriate process for the presentations. It was determined that there will be an update shared and then additional information will be provided by the applicant and the Town Engineer.

Town Planner, Thomas Eddington, reported that the Town Council has heard about the Elkhorn Springs development a few times already. Additional information was requested as well as some MDA updates. That is what the Town Council will review tonight. Mr. Eddington first provided background information.

The eastern half of the property was discussed on July 18, 2024, at the Planning Commission level. At that time, the applicant requested 164 units and approximately 15,000 to 20,000 square feet of commercial. On January 16, 2025, a new application was presented, which included both the east and west portions of the property. At that time, the request was for 211 units and three units of neighborhood commercial. On February 18, 2025, the Concept Plan was approved by the Planning Commission, which essentially allowed the applicant to move forward with the Rezone request and the associated MDA. In July 2025, the Planning Commission reviewed some amendments and the zone request. He explained that the Planning Commission forwarded a positive recommendation, with conditions, to the Town Council.

The proposed development was heard by the Town Council in August. Mr. Eddington explained that this proposal includes a number of exceptions, which have been outlined in the MDA. Those exceptions are also included in Exhibit S of the MDA. The proposal is for 230 residential lots and one commercial lot. If this was a by-right proposal, it would accommodate between 70 and 90 units of housing at one unit per acre. It was noted that there are also steep slopes that need to be considered in the calculations.

Mr. Eddington reported that there is an increase in density being requested in this case. It was reiterated that the exceptions can be seen in Exhibit S of the MDA. There are proposed setback exceptions and there is also cut and fill proposed that is greater than what the code allows. It was noted that there are some fairly significant exceptions being requested and those are contained within the MDA. There are issues that require Council Member direction, but the Town Engineer was asked to speak to the Council first.

Town Engineer, Dennis Pay, submitted an Engineering Report for the meeting held on October 9, 2025. It outlined several items that needed to be addressed. Most of those have since been addressed to his satisfaction. However, the grade for the secondary access road at 12% needs to be approved by the Wasatch Fire District. He has not received verification, but the applicant has continued to work with the Fire District. Another item relates to the estimate for the trails. He emphasized that the $58,000 is for the preliminary design and layout. There are still issues related to access off of SR-248. The applicant is working with the Utah Department of Transportation ("UDOT") on that. Mr. Pay is representing the town in discussions with UDOT about entrances into the development as well as the corridor in general.

There was a request that there be a stamped Slope Map submitted, but that has not been provided. The applicant needs their engineer to stamp and submit that. Mr. Pay reported that the applicant also needs to provide a Wetland Delineation Map. There has been an agreement to do that, but it was not included in the submitted materials. That could impact some of the lots, which has been acknowledged by the applicant. Mr. Pay stated that most of the other items in the Engineering Report have been addressed.

Mr. Brockbank thanked the Town Council for holding the Special Meeting. He knows that several people are out of town and he appreciated the efforts that have been made. Staff has also dedicated a lot of their time to this matter, which he is grateful for. There has been a lot accomplished over the last few weeks.

Mr. Brockbank referenced a letter from some tenants in Golden Eagle related to nightly rentals. He clarified that nightly rentals are not being requested for the development. One issue that has come up is the development phasing. He suggested that there not be timeframes listed. Before moving onto the next phase, there is a commitment that the amenities will be finished. As an example, if there is a park included in Phase II, the work in Phase III will not be started until the park in Phase II has been completed.

Mr. Brockbank discussed the wetland issue. He does not believe there are any wetlands, but there is support to move or lose lots in the development if that is necessary. There are a few lots are in question that might be too close to what could be considered wetlands. He clarified that he does not believe those are wetlands, but are man-made. It was noted that Paul Watson is prepared to share additional information about this. Mr. Brockbank reported that there is a drain that goes underneath the road where there are some wetland grasses, but again, it is a man-made wetland. He will have someone perform a delineation. In the agreement, it is proposed that those lots be moved or lost in the event there is a wetland in the area.

As for the timing of the agreement, it started out as 15 years, but it was then reduced to 10 years. Mr. Brockbank asked that it be 15 years with a five year extension. Right now, the agreement mentions a two year extension. He offered to answer Council Member questions and noted that the applicant team can also address Council Member comments and concerns. Mayor Severini asked to first discuss the wetlands issue. He wanted to know who will decide whether something is considered a wetland. Mr. Pay reported that the code states the determination must be made by a qualified professional approved by the Town Engineer. He is willing to work with the applicant to determine a qualified professional for this work. The applicant has already agreed that if it is considered a wetland, those lots will either be moved or lost. Mr. Brockbank reported that Dennis Winger is normally used for this work. He will likely be the one to come out and look at the site. If there is someone else that Staff would suggest, he is open to that as well.

Council Member Gunn noted that there could be an agreement that if there is a wetland issue, the lots will either be dropped or moved to a mutually agreeable location. Mr. Brockbank expressed support for this. He believed that kind of language is already included in the MDA. Council Member Haselton asked if it is possible to view a map of the area. There was a Concept

Plan shared with those present. The wetlands in question were pointed out, as were the lots that could be impacted. Mr. Eddington asked the Town Council to consider whether there would be a recommendation to move those two lots to another location, even if the wetlands are man-made as opposed to natural. Council Member Haselton asked about the two lots to the left of the pond, closest to the house. She knows that one lot was removed, but she still believes those lots are too close to the pond. The pond was intended to be an open space area for residents. She expressed concerns about the size of those lots and the proximity to the pond.

Mr. Eddington acknowledged that the lots near the pond were discussed during the site visit. Mr. Brockbank removed one of the lots and the setbacks were pushed back further. The question is whether there is enough space to be able to walk around the pond without being on private property. If there are Council Member concerns and there is a desire to preserve the area, there could be a discussion about removing four lots and creating a four-plex or a different housing typology. Council Member Haselton attended the site visit and thought the location was too close. Mr. Brockbank believed there is more than enough room. The pond is man-made and was created by a previous owner, so the pond itself can be moved. He would rather not lose those lots, because there are only a few places where it is possible to locate them. It might make more sense to move the pond 20 or 30 feet. In the MDA, there is agreement that if the pond is considered a wetland by the professional, that the lots will be moved. He feels certain that the pond is not a wetland, as it is fed by water rights. In the MDA, the four lots are discussed.

Mr. Eddington's recommendation was to not remove the pond and the riparian vegetation that is around it, but potentially to look at a relocation of the lots. He noted that this is a Town Council decision, but there is a fair amount of riparian vegetation that has grown around the pond area. Mr. Brockbank explained that it is possible to shift the pond over to create more room if that is desired by the Council. He does not want to lose $2 million worth of lots due to the location of a man-made pond.

It was noted that the MDA states certain lots will be moved to another location if there is a determination that there are wetlands. If there are not wetlands, then the Concept Plan would move forward, as presented. Mr. Eddington asked if there is Council Member comfort with that approach. There was some Council Member agreement with the earlier comments made by Council Member Haselton, as the lots look close to the pond. Given that this proposal is requesting a lot of variances, it might make sense to lose those two lots in order to enhance the community open space. Council Member Haselton thought there could be a reduction in the size of the building or the size of the lot. It was noted that the pond is a feature of the property and it is a selling point, whether it is natural or man-made. Mr. Brockbank stated that there can be work done with Mr. Eddington to either move the lots or finalize the location of the pond.

Mayor Severini asked if there is an adequate area to move the lots. Mr. Eddington believed so. It is possible to look at other areas and still maintain the character of the development. Council Member Chris Baier pointed out that the pond is a man-made feature. If it can be reconfigured to be a landscape feature, she is fine with that. She would like to discuss some of the more complicated matters associated with the application. Mayor Severini stated that he would like to hear all Council comments related to the information that has been presented so far. Council

Member Baier noted that there was information presented about the requested exceptions. Cut and fill covers a large expanse, and she would like to discuss the amount. In addition, there are setback exceptions throughout, which should also be considered.

It was reported that every lot in the Residential 6 Zone will have an exception because there is a conditional side yard setback. The requested amount is 10 feet on each lot. It is the conditional side yard setback that has resulted in the exceptions throughout. Additional information about side yard setbacks was shared. The Council was informed that the front and rear yard setback requirements are met.

Town Attorney, Polly McLean, reported that the Council received an overview of the requested exceptions. She sent out a document with high-level information. For the stacked flats, 20 feet is requested, and 30 feet is required under the code for some of the setbacks. Mayor Severini explained that the reason the wider side yard setbacks were determined back in 2020 was to protect viewsheds. Previous developments complied with the former standard, but there was a desire to establish a better standard. Council Member Baier noted that there are standards in place for a reason. When the code was changed, it was done intentionally. She asked why the Council is considering so many exceptions in this case.

Council Member Haselton mentioned the meeting for the General Plan that was held approximately one month ago. One of the main priorities was to preserve views for the residents in Hideout. The views are one of the reasons people have chosen to move to the area. If the view corridors are reduced, then what people want is not really being considered. Mayor Severini agreed with the comments shared. He asked the applicant to speak about the protection of viewsheds, given the variances that have been proposed. Mr. Brockbank explained that there are several ways to still maintain view corridors. The slopes are one way to maintain view corridors, as it is not only related to the amount of side yard provided.

Mayor Severini does not see a Contour Map in the Meeting Materials Packet. Since there are so many variances on the side yard setbacks, it would have been nice to have a map that better illustrates the impacts. Mr. Brockbank explained that having narrower side yard setbacks will result in reduced costs. There was no desire to have stacked flats initially, but there has been an agreement to include those, because the town wanted a different housing type. It will be the lowest housing price in the development.

There are four or five different price ranges throughout the development, which is unique for a subdivision. Mr. Watson explained that across this project, there is 200 feet of elevation gain from the property line to the south to the property line to the north. There is also another 100 feet down to the UDOT right-of-way in a lot of cases. These houses are intended to stack, so every house has either a walk-out basement or a walk-out upper story. The house on the high side will look over the house on the low side to achieve the views. A lot of corridors have remained open to protect views, but what is proposed will not block views for those on the site. As for the grading, there are exhibits that can be reviewed that show the contours.

Council Member Gunn stated that he feels it is important to protect existing views. If someone owns a house in Hideout and has an existing view, then he supports the protection of that view.

In this case, there seem to be some competing interests. Diversity in the housing stock means that certain compromises need to be made. One of the tradeoffs for having a diverse housing stock is the available view. For every single property owner to have a perfect view, there would be a lot fewer houses within the development, and each house would be more expensive as a result. Mr. Brockbank agreed with that statement. Council Member Baier stated that she previously advocated for a diverse housing stock. She asked whether the right balance had been struck. Mr. Brockbank explained that there is a desire for each house to have a nice view, but to accomplish the variation in prices, there needs to be some compromise.

Council Member Baier asked about the driveway lengths. One common complaint has to do with driveways that are so short that it is not possible to park a full-size truck. Mr. Brockbank reported that the shortest driveway is 25 feet. A lot of the driveways with a sidewalk on the side are 35 feet. Mr. Watson explained that if someone is on the side that does not have the sidewalk, the setbacks from the curb and gutter are either 26 feet or 31 feet, while the code is 25 feet. On the sides with the sidewalks, the distance is either 18 feet or 23 feet behind the sidewalk. As for the 2:1 versus 3:1 slope, the reason there is a desire to do the 2:1 is that there is less ground disturbance and fewer cubic yards of dirt are moved. There is a lot of rock in this area. 3:1 works well with flatter projects, but 2:1 works better for projects in the mountains, because there is less disturbance. Mr. Brockbank reported that there is a letter in the Meeting Materials Packet from Mr. Watson further outlining the 2:1 rationale. Mr. Watson clarified that 2:1 is standard in the mountains. It is a geotechnical standard that is followed unless there is some criterion to make it flatter. Mr. Davenport emphasized that a letter has been included in the Meeting Materials Packet.

Mr. Eddington reported that the request is to have a 2:1 slope, which would be 50%. There are conditions in the submitted reports to state that if there is a 2:1 approval, there must be a commitment made to ensure the slope is stabilized. It must be planted with rooted plants so there will not be an erosion issue on the sides. There was a commitment to do that. Mr. Eddington asked if Mr. Pay is comfortable with the 2:1 that has been proposed. Mr. Pay confirmed this and explained that it can be done safely.

Mr. Eddington asked to further discuss driveway lengths. The driveways on the side of the road with the trails would be 18 feet to 23 feet. He clarified that those are 18 feet to 23 feet from the trail to the front of the house, so there is no overhang or blocking of the trail. Mr. Watson reported that the 18 feet is from the back of the sidewalk to the front setback of the house. Mr. Eddington stated that the trails could be used without being impeded by vehicles. The Council expressed appreciation for the clarification.

Council Member Bob Nadelberg mentioned the setbacks shown on one of the exhibits. He asked about housing space between units. He believed that at any point, there will be at least 20 feet, which was confirmed. Mr. Watson stated that the minimum is a 10-foot side yard, so a house next to another house will result in a 20-foot separation. Discussions were had about the rear yard setbacks. Ms. McLean stated that there is no request for a rear yard setback that is less than 20 feet, but the 20-foot rear yard setback is an exception to the code in the R20 Zone and the NMU Zone.

Council Member Nadelberg mentioned Exhibit I2 and noted that a certain section of houses backs up to one another fairly closely. There might only be 40 feet between structures. Mr. Watson confirmed this. Council Member Nadelberg asked if there will be a retaining wall or some fencing to maintain privacy. Mr. Watson reported that the elevation difference on Lot 503 versus 602 is 20 feet. The upper story of 602 will look over the top of 503. Council Member Nadelberg wanted to know if there will be a fence or natural landscape barrier in the development for privacy. Mr. Brockbank clarified that there are no walls in between the lots planned at this time. There can be landscaping with trees, but there is no desire to block the views. He pointed out that fences are not allowed in Hideout, so there are no fences planned.

Council Member Gunn noted that in an ideal world, there would not be a need for a variance. That being said, when a variance will benefit the town, it makes sense to consider one. If a variance will not benefit the town, then it should not be considered. In this case, when considering the entire project, it seems the requested variances benefit the town because it moves the town toward certain housing stock goals.

Mayor Severini had a question about the traffic. This was discussed by the Council previously, and it was also considered at the Planning Commission level. He asked about the turnaround on SR-248. Mr. Brockbank reported that at the last meeting, the Town Council was informed that there would be a future meeting with UDOT. Right now, there is a light plan at Golden Eagle. Based on the last conversation with UDOT, there would be a U-turn signal there rather than a right-in, right-out. A traffic study has been conducted and presented to UDOT. Mayor Severini noted that at the last Town Council Meeting, there was a discussion about a potential "jug handle" design, but he understands that it is more expensive. Mr. Brockbank has not explored traffic options since the last meeting, as the focus has been on the MDA. If there is approval at the current Town Council Meeting, then different traffic options will be explored.

Ms. McLean reported that the code requires a 50-foot setback from the UDOT right-of-way, and the applicant has requested reductions. Council Member Nadelberg mentioned Exhibit I2 and the cluster of townhomes that would block a lot of the view corridors for those living in Lots 508 to 513. He suggested losing a unit on each of the four-plexes so there would be better view corridors. That dense clustering could become an eyesore. Mr. Watson further discussed the elevation differences on the site. Lot 511 has an upper-story walkout, while Lots 520, 521, 522, and 523 are all basement walkouts. Additionally, he clarified that the UDOT setback issue is a town issue to be addressed and not a UDOT issue. Council Member Nadelberg reiterated that he feels the four-plexes could be turned into three-plexes for aesthetics. Mr. Brockbank offered to work with Mr. Eddington on the four-plex buildings that are proposed.

Council Member Nadelberg next asked about the slopes on the roads. Mr. Eddington reported that there are some roads that exceed the maximum 10% slope. There is a variance requested in some locations. There is a maintenance access road at 15%, but that is only for maintenance access. There is also a secondary access road that is 12%, which would require approval from the Wasatch Fire District. Discussions were had about other road exceptions in town. Maps that show the contours were shared. Council Member Nadelberg believed some of the roads in Golden Eagle and Soaring Hawk might be over 10% as well. There was not certainty about this, but it was confirmed that some slopes might be higher.

Mr. Brockbank clarified that the entire road will not be 12%. There are two sections of the road that hit 12%, but after that, it flattens out to 10%. Council Member Nadelberg wanted to understand whether there is precedent for this in the town. Mr. Brockbank reported that the Town Code mentions 10%, but the Fire Code mentions 12%. There will be a letter submitted from the Fire Department. He added that the 15% road will be in Phase I of the development. Mr. Watson pointed out the access road to the pond on a map of the development. It was reiterated that this road will only be for maintenance access.

Mayor Severini asked if issues had been identified by Staff related to the proposed slopes. A question was asked about whether there are any driveways that exceed Town Code standards. Mr. Watson reported that all driveways are intended to meet standards. Council Member Gunn asked about the pickleball court. It is his understanding that it will have some sort of facility. He wanted to know if it will include restrooms with water. Mr. Brockbank confirmed this. Council Member Gunn believed that regardless of the number of units, there will be water brought in according to certain standards, which was also confirmed.

Mr. Eddington reported that there are a number of discussion points included in the Staff Report. The applicant is proposing to plant sod/grass in the front yard. He asked if the Council is comfortable with having sod placed in the front yard or if there would be a preference to have that in the backyard area. There are not a lot of places in the community where sod has been allowed in the front yard. The ordinance does not prohibit this location, but it recommends native vegetation or water-wise exotics. Staff recommends considering sod in the rear yard instead. Mayor Severini asked whether all of the wildfire standards have been incorporated, which was confirmed. Fire Officials in the State have noted that sod is beneficial, because it is low. Mr. Davenport confirmed that the standards have been incorporated. It was noted that the MDA states there will be no combustible materials within 5 feet and no trees within 10 feet. Mr. Eddington explained that this is in compliance with the Wildland Urban Interface ("WUI") ordinance.

Mr. Brockbank informed those present that the reason there was a proposal for the sod has to do with aesthetics. When people purchase homes, there can be complaints about the lack of grass. Enough water was purchased to have sod in the front yards. There is not enough water to do the front and backyards, but there is enough to do the front yard in sod. The rationale is mostly for aesthetics, because one of the biggest complaints in Hideout is related to landscaping. He reiterated a desire for the sod in the front.

Ms. McLean reported that she received a message about plowing roads that are greater than 10%. That 12% is meant to be for the secondary access, but those will be public roads, so the town will be responsible for maintenance and plowing. This will be difficult, so it might be beneficial for the Homeowners Association ("HOA") to be responsible for plowing the portion that is 12%. It was noted that there is not a consistent 12% grade on that road, as it is only in certain sections. Mayor Severini asked if the applicant team has any suggestions. Mr. Watson thought it would be challenging to have the HOA maintain only a small portion of the road. Ms. McLean stated that there are some roads that do not meet town standards that are maintained privately. The applicant team clarified that the Fire Department has expressed support for 12%,

so that is a strong indicator of what is safe for a road. Mayor Severini believed the town and the applicant could work together to make sure there is proper snowplowing done in the area.

Additional discussions were had about the message that Ms. McLean received. It stated that if the slope is greater than 10%, it is almost impossible to plow. Exhibit H in the Meeting Materials Packet was reviewed. The only two roads that are shown to be greater than 10% are the maintenance road for the stormwater basin at 15% and the existing road to the Salzman house. The road to the Salzman house is at 15% slope now and will be used for emergency access. After construction, the section will be 12%. Mr. Watson added that the existing road that comes off of UDOT is actually at 18%, and it will be dropped down to 15%. He reviewed the road slopes that are proposed throughout the development area. It was noted that the exhibit can be updated to more clearly show the areas where the slope will exceed 10%.

Ms. McLean stated that the intention is to have all of the roads be public, with the exception of the roads indicated. It was confirmed that there are private driveways. Discussions were had about the road in front of the townhomes. It was reiterated that the exhibit can be updated so there is additional clarification.

Council Member Nadelberg asked about the road that ends in a cul-de-sac. As someone enters that road heading in the northwest direction, he wanted to know if that would increase continuously, or if it would increase, crest at the townhomes, and then start to decrease. Mr. Watson reported that it is essentially one continuous 12%. He shared additional information about the road and the slope that is proposed. Council Member Nadelberg pointed out if it is downhill in the northwestern direction, that it is a blind sharp corner, which could create issues. Mr. Watson confirmed that there is a continuous downhill slope there. After the cul-de-sac point, it is only for emergency egress. However, there is work being done with UDOT, because there is a desire to turn that into a right-in, right-out. Anything with asphalt would be 12% or less. Council Member Nadelberg wondered whether additional grading could be done to address the blind spots. Mr. Watson reported that the curves follow the contours, which is the reason those are shown.

Mr. Brockbank asked if there is a blind spot that there are concerns about. Mr. Watson does not believe so. He pointed out that it is possible to push the setbacks further back. The lot where the curve is located is 164 feet deep. The setbacks could be 40 feet instead of 31 feet, but the design criteria for the curves has already been met. He believes the design is appropriate, as proposed. It was clarified that the area being discussed is Phase V. Mr. Brockbank explained that this portion of the development would be approximately seven years out. Mr. Watson noted that if the curves are pushed out, it will either be pushed into the hill or hanging over the side. The curves right now are a function of the existing ground. There is a desire to disturb as little as possible. Mr. Watson believed the concerns expressed could be addressed through setbacks and some plat notes. Council Member Gunn believed that opening the sightline slightly would allow people to see further around the curve. Mr. Watson confirmed that this is something that can be done. There are no crests in the hillside. He shared additional clarifying information with the Council.

It was stated that the 4% grade will be at the cul-de-sac in the northeast. There will be no crest from that point all the way to the T-intersection. Mr. Watson reported that there are grades being changed, but the vertical curves account for those changes in grade. Mr. Eddington summarized the conversation and noted that there could be increased front yard setbacks for Lot 509 through to Lot 512. There has to be approval by the Wasatch Fire District in order for the 12% that has been discussed. Mr. Eddington asked for Council Member clarification about the sod that was discussed earlier. Council Member Haselton liked it being in the front, because it will make the houses look better. Mr. Eddington mentioned the area next to the proposed pickleball courts. Right now, there is a proposal for a freestanding parking lot. There was some previous discussion about angled parking, but this would require an exception from the Town Code.

The plan does not currently show angled parking, but there is a desire to receive Council Member feedback about this possibility. Mr. Eddington explained that Staff could work with the applicant team on this. Council Member Haselton asked for feedback from the Town Engineer. Mr. Pay believed there would need to be a closer look taken at the proposal. He personally does not like backing out into traffic, and he pointed out that angled parking would be an exception. There are instances where angled parking makes sense, but it depends on traffic volumes, speeds, and other factors. He needs to look at this proposal more closely before sharing a formal opinion with the Town Council. Mr. Eddington reported that the angled parking would result in additional parking spaces and would elongate the park area. It was noted that this could be considered as an option, but would be subject to final approval by the Town Engineer.

Mr. Davenport asked for clarification about the parking. There is a willingness to work with the town on angled parking, but he does not want that to delay the approval of the MDA. The engineering for the parking area has already been completed. Mr. Eddington clarified that the MDA could be approved, but the angled parking could be explored further with Staff. He next discussed the timing of the development. There was initially a 15-year project timeline proposed, and it was reduced to 10 years. At the last Town Council Meeting, a request was made to return it to 15 years. The applicant is currently asking for a 15-year timeline with a five-year extension for the project. Mr. Patrick Holmes explained that he is one of the owners of Holmes Homes. He expressed appreciation to the Mayor and Council for making time to discuss this application. It is clear that the Town Council wants what is right for the community. Mr. Holmes stated that the time requirement for the development is unreasonable. He has never had a time constraint put on a development like this before. There is still a lot of work that needs to be done as this moves forward, even if the MDA is approved during the current Town Council Meeting.

Mr. Holmes reiterated that it is unreasonable to place a strict timeline on the project. This makes it difficult to find investors, because market changes could result in the loss of previous approvals. He believes an aggressive approach has been shared by Mr. Brockbank, which is that the next phase will not move forward until the amenities are finished in the previous phase. He pointed out that the pickleball court needs to be built and enclosed in an early phase. Mr. Holmes understands the concerns from a Town Council perspective, because there have been situations with other developers where amenities have not been completed. He suggested that

there be a more reasonable approach taken. He also asked that the weather conditions be considered, as it is not possible to develop in Hideout throughout the year.

Something that would be reasonable, but would still protect the town, would be to not allow an occupancy permit in the next phase until all of the amenities are completed in the prior phase. Mr. Holmes believed that would provide the town with adequate protection, but would also make more sense for the applicant team. The timeline that has been proposed is not reasonable and is not in the spirit of cooperation. Mayor Severini asked if the suggestion is that there not be a time commitment, but a Certificate of Occupancy could not be issued for the next phase until all of the amenities from the previous phase have been completed. This was confirmed. Mr. Holmes does not recall a timeline like this on other projects.

Ms. McLean asked if there is opposition to the 10-year timeline or any timeline at all. Mr. Holmes clarified that he is opposed to the establishment of a timeline. Ms. McLean clarified that every MDA the town has entered into has an expiration. Mr. Holmes wanted to understand the rationale for the short timeline that has been proposed. He hopes that it will be possible to do 30 houses per year, but there are variables to consider. Ms. McLean shared additional information about MDA terminations. Deer Springs was 10 years, and it was entered into in July 2018 with an expiration in 2028 and no extension listed. It was pointed out that there was an amendment made to that timeline. That development shows that a 10-year limit is not necessarily realistic. The applicant team reiterated concerns about the timeline proposed.

Additional discussions were had about the timeline. It was clarified that the 10-year timeline was proposed by the town, but it was never agreed to by the applicant team. Mr. Holmes asked that a reasonable decision be made. He does not feel the proposed timeline is reasonable in this case. Ms. McLean explained that from a legal perspective, there needs to be a term established. There cannot be a contract that does not end. There are no MDAs without established limits. She pointed out that it can be troublesome when there are entitlements that sit indefinitely. An example is the parking lot at Park City Mountain Resort. Ms. McLean does not recommend that the Town Council remove a term from the Elkhorn Springs MDA.

Council Member Gunn believed the proposal from Mr. Holmes is that if a current phase is left unfinished, there will be no Certificate of Occupancy issued for the next phase until the prior phase is completed. Mr. Holmes clarified that if the definition of "completed" included all of the homes, that would be difficult, because construction on the homes will start at different times. It would be possible to reference the horizontal improvements and amenities in the phase. The reason it is not possible to reference completion of the homes in the phase is that there might be lots that do not sell immediately. Council Member Gunn stated that the proposal is for the infrastructure and amenities in the current phase to be completed before a Certificate of Occupancy is possible in the next phase. This was confirmed. Council Member Gunn asked how the applicant team would feel about adding that provision with a timeline of 20 years. There was support expressed for that kind of timeline, as it would add more flexibility. Mr. Brockbank asked if it would be possible to have a 20-year timeline with a five-year extension, which was supported. It was noted that there is a desire to move forward as quickly as possible, but flexibility is appreciated.

Mr. Eddington stated that the Council has already answered the next question in the Staff Report, which was related to amenities and phasing. The Council has determined that there must be horizontal infrastructure and amenities before a Certificate of Occupancy can be issued in a subsequent phase. All of the outlined discussion points have been addressed. Mr. Davenport noted that there were some items in the Staff Report that were inconsistent with the MDA. He is not certain whether the conditions in the Staff Report will be adopted when a motion is made. As an example, in the MDA, it mentions 12-foot stairs, but there is some older information in the Staff Report that no longer applies. Information was shared about the stairs and the sidewalk widths. Mr. Eddington reported that the public utility easement ("PUE") was reduced on the inside. Ms. McLean asked that there be additional discussion about the MDA and Rezone after the public hearing is opened, as there are a few items that she would like to review.

The Town Council took a five-minute break before continuing the discussion.

Mayor Severini opened the floor for public input at 6:37 p.m.

Scott Dubois stated that he represents Mustang Development. A letter was submitted to the Town Council earlier in the day with a number of concerns and observations about the MDA. One of the concerns related to nightly rentals, but it sounds like that has been resolved. Mr. Dubois reported that there are still concerns about all of the different exceptions, but he acknowledged that those have been largely addressed by the Council. He noted that precedent is being established for deviations from requirements and people will rely on that moving forward. Some of the contents of the letter were highlighted. Mr. Dubois felt it was important that the MDA include requirements for Elkhorn Springs to reimburse Mustang Development for the cost of construction of infrastructure, which is the primary road proposed to be used and the obligations under the Master MDA and Reimbursement Agreement regarding impact fees. He believes it makes sense to include a requirement in Elkhorn Springs MDA that they participate in payment for system improvements, as that term is used in the Reimbursement Agreement and Impact Fee Study.

Mayor Severini noted that there was mention of the easement in the letter. Mr. Dubois stated that it was originally understood that Elkhorn was proposing to use Golden Eagle roads for secondary access, so that was an issue he assumed would be discussed, but it seems that has since been abandoned. He asked that it be made clear that Elkhorn residents would not be allowed to use the Golden Eagle ingress/egress without some sort of compensation for those roads. There is also an issue that exists between Mustang Development and the Elkhorn Springs team where the proposed road going from the UDOT right-of-way into their development is on land that is owned by Mustang Development. He is not sure that is an issue the Town Council needs to weigh in on, as it can be addressed by the two parties. However, it is something that would need to be resolved before any actual development occurred.

Mr. Davenport does not see a need for additional language to be added into the MDA related to Mustang Development. Mr. Dubois did not agree with that statement, as there could be issues related to non-payment. That could expose the town to a breach of contract claim, which is something he would like to avoid. Council Member Haselton reported that she did not have an

opportunity to review the letter. It was sent out at 3:05 p.m. and she was preparing for the Town Council Meeting at that time. There have been recent discussions about late submissions and she would have liked to receive the letter earlier. Mr. Dubois apologized and explained that it was sent to everyone listed as a Council Member on the website. He did not become aware of the comments made at the last Town Council Meeting until a few days ago.

Council Member Nadelberg asked if this was initiated by his law firm or his client. Mr. Dubois stated that he found out about the previous meeting discussions recently, but he is unable to discuss what he spoke to his client about. Council Member Nadelberg reported that on Page 3 of the letter, there is a concern expressed that the town will be establishing a precedent. The letter later states that it will allow for some increase in the existing zoning under the original MDA. Council Member Nadelberg reported that at the time he purchased his own property, it was represented to him by the realtors who were in direct employment of Mustang that the whole area was zoned as 2.4 ERUs per acre. His property was purchased with the expectation that there would be other single-family properties of similar density. In December 2016, the developer, who was also the Mayor at the time, along with various other members of the Council, passed a Resolution to effectively double the density. The letter from Mr. Dubois talks about this development, setting a precedent, but it seems like a bait-and-switch situation has already occurred.

Mr. Dubois stated that he cannot speak to what a real estate agent may or may not have told him in the past. When purchasing a property, it is necessary to look at what is vested and recorded. He does not have knowledge of the situation mentioned by Council Member Nadelberg and asked that the discussion remain focused on the Elkhorn Springs project that has been proposed. This is 114 acres and there are 230 units proposed, which is 2.2 units per acre. The code was adopted for a reason and the zoning was adopted for a reason. He expressed concerns about the number of exceptions proposed in this case.

Council Member Nadelberg explained that he shared that example because the developer arbitrarily changed the density by a significant amount. There is already a precedent for many of the concerns that Mr. Dubois has expressed. Council Member Baier asked about system improvements. Mr. Dubois explained that in the Impact Fee Study that was done by the town, it was determined that every development in the town benefits from the system improvements of the roads. There would need to be an analysis conducted to determine what systems are being tied into through the Elkhorn Springs project.

Mr. Eddington asked to address an issue in the letter that was submitted. In the letter, there was language about a conflict of interest with Mr. Eddington. It stated that the town should ask questions about undue influence and conflicts, as the planner might be working as a proponent of the Elkhorn Springs development. Mr. Eddington clarified for the record that there is no conflict of interest and the statement in the letter is false. As the Town Planner, his focus is on protecting the town. He is not employed by Mr. Brockbank or Elkhorn Springs. Mr. Dubois apologized for including that in the letter if this statement is accurate. He was informed that Mr. Eddington was providing advice and assistance to the applicant team at the beginning of the project. He apologized if there was incorrect information received.

Ingram Quick asked the Council to consider approving this opportunity for the town. He noted that there was a discussion about SR-428, but he did not hear any additional comments about the speed limit. Mr. Quick believed reducing speeds would make a difference. Mayor Severini reported that there have been discussions about this with UDOT. There are many different options on the table at the moment, but a lot depends on the priorities that UDOT has. Mr. Quick mentioned the Fire Station that will be added. It would make sense to mention the fact that there will be fire trucks in the area as a way to encourage change. Commissioner Gunn pointed out that the speed limit on SR-428 is beyond the matter at hand. The speed limits should be discussed at a future Town Council Meeting rather than the current one.

The public input portion of the meeting was closed at 7:01 p.m.

Ms. McLean noted that the Rezone is tied to the MDA, so it is unlikely that the Town Council will grant the Rezone without the MDA. As a result, it is possible for the Council to discuss both items at the same time. After the discussion, there will be two separate votes, one for the Rezone and one for the MDA.

Mayor Severini reported that a Hydrologist from the State identified two spots on this property with certain possibilities. He has spoken to Mr. Brockbank about this. If those are not covered by a building or a street, then those will revert to the town, so it will be possible to potentially use them for additional culinary water. He would like to have that written into the MDA. Mr. Brockbank agreed with the language that was shared by Mayor Severini. As long as it is not covered by a road or building and does not impact their water system, there is no reason that the town could not use them. Mayor Severini noted that if the current configuration is covering something up, but it was possible that something could be moved, there could be work done with the applicant team to find a solution. Mr. Brockbank expressed support for that.

Ms. McLean shared comments about the MDA. There is agreement that the wetland setbacks have to be adhered to, and there will be a wetland delineation. It is possible to direct Staff to include these items and work with the developer prior to execution of the MDA. Mr. Davenport stated that after the delineation has occurred, if there is an indication that the 100-foot setback would impact the lots, then it is possible to move those lots somewhere else and not lose density. Ms. McLean believed it was a little more nuanced than that, but there is no proposal to lose density. It appeared the Council wanted the 100-foot setback from the pond. There was discussion about relocating the potentially impacted lots. Council Member Gunn noted that there was language proposed to state that the lots could be relocated by mutual agreement.

Ms. McLean asked if the Council is supportive of the 12% grade that was mentioned earlier. Alternatively, there could be discussions about a private road. It was clarified that only portions of the road are 12%. There are questions related to snow plowing and who will handle that work. Ms. McLean stated that the Town Council can provide direction to work with the developer on this. Mayor Severini would ideally like to see one snowplow operation handle the work. Ms. McLean pointed out that the private roads will be maintained separately. Council Member Gunn asked if the developer would be willing to handle the snowplowing for the road that has been discussed. Mr. Davenport does not believe there will be an issue with the town handling plowing on that road, as only a portion of it is at 12%, and the rest is 10%.

Mr. Pay reported that during the Town Council Meeting, he had text exchanges with the Public Works Director and the Elkhorn Springs Engineer. The Public Works Director stated that with the current equipment, it is not possible to plow more than 10%. It might be best to investigate this issue more. Alternatively, there could be design alterations done to improve the situation. There can be direction provided that Staff continue to look into this issue to find a safe solution that satisfies all involved parties.

Council Member Gunn shared suggested language with those present. If different snowplowing equipment is necessary to plow the 12% sections, the town and the developer would split the cost. Mr. Brockbank noted that this will likely not be necessary for another eight years, as it is part of Phase V. There were some concerns about an open-ended item. Ms. McLean shared additional comments with the Council. She could not locate the plaza mentioned in the MDA and asked for clarification. Mayor Severini reported that the park and plaza are the same thing, so there needs to be a correction in the MDA.

Ms. McLean believed the direction she received was to add something about the ability to develop the wells and to work together to make those wells accessible. Council Member Haselton asked about the $58,000 for the preliminary design of the construction drawings for the Spine Trail. She wanted to know if there is support for that amount. Ms. McLean explained that this is up to the Town Council to determine. There was a discussion previously, and it seemed like the Council found $58,000 to be acceptable.

Ms. McLean discussed the Resolution. Her understanding is that the developer will not own the development when the agreement is recorded. As a result, the actual owner of the property will need to be a signatory. Mr. Davenport reported that he sent some language to the Town Attorney to address this. There will be written authorization from the seller provided to state that it is possible to sign on his behalf.

Mr. Davenport reiterated that there are some old notes in the Staff Report. For instance, there are items that have been agreed to, but those are not included in the condition language. He does not want those conditions included, because what has been discussed is written in the MDA. If the conditions in the Staff Report are adopted as part of the MDA and Resolution, then there will be a disagreement about what has been determined. He wants to make sure everyone is on the same page. Some of the language states that the town will determine at its discretion what the amenities are, but those have already been determined. Ms. McLean confirmed that there has been a conceptual agreement about what the amenities are.

There were additional discussions about the language included in the Meeting Materials Packet. When it comes to phasing, there is language in the MDA that states it has to be sequential, but what was agreed to during the meeting was to allow for some flexibility. Ms. McLean noted that there will not be Certificates of Occupancy issued on the next phase unless the infrastructure and amenities are completed in the prior phase. It was pointed out that the amenities are tied to different phases. There was additional Council Member discussion about the proposed phases and other developments in the community.

Council Member Baier stated that there is a desire to allow flexibility, but there is also no desire to wait many years for the amenities to be implemented. If the phases are done out of order, there should be communication with the Town Council. Example scenarios were shared. Mayor Severini stated that it is possible to separate the amenities out from the phases and instead have a list of amenities with timeframes. Mayor Severini thought separating them out would make sense for all involved. A comment was made to clarify that the phases are already planned out. The intention is to handle each phase in order, but there is a desire to have a little bit of flexibility to address market conditions. Ms. McLean stated that if there is a change of the sequence to the phasing, the applicant must return to the Town Council. There will need to be Council action taken at that time, but she noted that the Town Council wants this to succeed.

Mr. Davenport reported that there is language in the Staff Report to indicate that the design of the stairs can change at the discretion of the town, but that has already been discussed. He asked that the MDA govern, or this be removed from the conditions. Mr. Eddington clarified that there is no condition that this would be changed, but that there would be collaboration. Mr. Davenport next noted that there is reference to all of the limits of disturbance being fenced, which would be expensive. Mr. Eddington explained that the orange construction fencing is being referenced, which is included in the code.

Mr. Davenport asked for clarification about the trails. It was stated that once the trails are established, those would be turned over to the town for maintenance. Council Member Gunn understood that the developer would design and build the trails, and after three years, those would be turned over to the town. This was confirmed. Ms. McLean noted that there are two separate paragraphs about trails, so work will be done to ensure that those match. Mr. Davenport asked about the default remedy. Ms. McLean believed some language was going to be proposed, but she has not seen the proposed language at this point.

Discussions were had about the applications before the Town Council. Ms. McLean explained that there will be two separate votes. The first vote will be related to the Rezone and the second to the MDA. Mayor Severini asked if there are any other Council Member comments. Clarification was requested about the MDA vote. Ms. McLean reported that there is a Resolution in the Meeting Materials Packet for the MDA. The MDA will not be signed tonight, because the discussed changes must be implemented. There will be an Ordinance for the Rezone and there is a Zoning Map that highlights the zoning. Mr. Eddington clarified that it is being zoned from Mountain, which is a residential zone, but not Mountain Residential.

Motion: Council Member Gunn moved to APPROVE the Amendment of the Official Town of Hideout Zoning Map to Rezone Parcels 00-0020-8181, 00-0020-8182, 00-0020-8184, and 00-0020-8185, consistent with the agreements made during the Town Council Meeting. This authorizes the Town Attorney to rewrite the MDA, consistent with the discussion. Council Member Cronin seconded the motion. Voting Yes: Council Member Baier, Council Member Cronin, Council Member Gunn, Council Member Haselton, Council Member Nadelberg. The motion passed 5-to-0.

2. Discussion and Possible Approval of a Master Development Agreement (MDA) for the Elkhorn Springs Development, which would Include Variations to Requirements for Slopes, Cut and Fill, Retaining Wall Height, and Road Grade.

Motion: Council Member Gunn moved to APPROVE the Master Development Agreement for the Elkhorn Springs Development, subject to the discussions and agreements had during the Town Council Meeting. This authorizes the Town Attorney to re-write the MDA, consistent with the discussion and agreements. Council Member Nadelberg seconded the motion. Voting Yes: Council Member Baier, Council Member Cronin, Council Member Gunn, Council Member Haselton, Council Member Nadelberg. The motion passed 5-to-0.

IV. Meeting Adjournment

Motion: Council Member Haselton moved to ADJOURN. Council Member Cronin seconded the motion. Voting Yes: Council Member Baier, Council Member Cronin, Council Member Gunn, Council Member Haselton, Council Member Nadelberg. The motion passed 5-to-0.

The Town Council Meeting adjourned at 7:45 p.m.

Maria Devereux, Town Recorder
Minutes Approved 5.6.2026