

Minutes
Town of Hideout
Town Council Regular Meeting and Public Hearings
March 10, 2022

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on March 10, 2022, at 6:00 p.m. electronically via Zoom Conference call due to the ongoing COVID-19 pandemic.

Regular Meeting and Continued Public Hearings

I. Call To Order

1. No Anchor Site Determination Letter

Mayor Phil Rubin called the meeting to order at 6:02 p.m. and welcomed those present. He explained this was a virtual meeting with no physical anchor site due to the ongoing COVID-19 pandemic.

II. Roll Call

Present: Mayor Phil Rubin
Council Member Chris Baier (excused at 9:00 p.m.)
Council Member Sheri Jacobs
Council Member Carol Haselton
Council Member Bob Nadelberg
Council Member Ralph Severini

Staff Present: Town Attorneys Polly McLean and Cameron Platt
Town Administrator Jan McCosh
Town Planner Thomas Eddington
Director of Engineering and Public Works Timm Dixon
Director of Public Works Daniel Allen
Town Clerk Alicia Fairbourne

Others Present: Clint Neerings, Don Blumenthal, Shauna Mecham, Todd Amberry, Brett Rutter, McKay Christensen, Glynnis Tihansky, Jack Walkenhorst, Troy Morgan and others who may have logged in using a partial name or using only a phone number.

III. Approval of Council Minutes

1. December 9, 2021, Town Council Meeting Minutes DRAFT

Motion: Council Member Baier moved to approve the December 9, 2021 Town Council Meeting minutes as presented. Council Member Nadelberg made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, Council Member Severini. None opposed. The motion passed unanimously.

Council discussed several follow-up items. Council Member Severini referenced Page 7 Line 16 of the Town Council Meeting Minutes. The Mission Statement of the Economic Development Committee was supposed to be shared on the Town website. He did not know if that had been done. Council Member Baier felt the Town Council should review the Mission Statement before it is posted. Town Administrator Jan McCosh reported the Mission Statement was not finalized. One of the Committee Members prepared something, but it was not finished and was forthcoming. There would be an Economic Development Committee Meeting next Monday. As soon as the Mission Statement was agreed upon by the Committee, it would be shared with the Town Council for approval.

Council Member Severini referenced Page 8 Line 19 of the Town Council Meeting Minutes. He asked if there would be any follow-up about the survey for the Wildland/Urban Interface. Mayor Rubin explained it would be discussed during the Town Council Meeting.

Council Member Haselton noted that there had been discussion about the design and the height of the pickleball courts. At one point, it was suggested that the height be twenty (20) feet, but a resident felt ten (10) feet would be more appropriate. She asked if Town Planner, Thomas Eddington had spoken to the developer about that. Mr. Eddington explained there would be additional coordination. He had taken photographs of various pickleball courts for reference and the work would continue to move forward.

IV. Public Input - Floor Open for any Attendee to Speak on Items Not Listed on the Agenda

Mayor Rubin opened the floor for public comment at 6:12 p.m.

Brett Rutter shared comments related to the pickleball court. He believed it would be constructed within the guidelines of the national organization. Those guidelines for pickleball court construction included the surface area, not just fences and heights. This meant there were guidelines listed for the sub-surface and the surface itself. He encouraged the Town to look closely at the construction surface. This would ensure the structure was long-lasting and would not settle.

Council Member Baier learned earlier in the day that the annual Jordanelle Community Spring Clean Up Day had been scheduled for May 14, 2022, from 10:00 a.m. to 12:00 p.m. Last year, Hideout participated by paying for a dumpster which was placed on a few of the parking spaces in front of Town Hall. She wanted to see the Town participate again. With advanced notice, it would be possible to have more resident participation. Mayor Rubin was supportive of the suggestion. The information could be placed in the newsletter. There was discussion regarding the dumpster from last year. Council Member Haselton pointed out the dumpster last year was very tall and it was difficult to place items inside. It was noted the dumpster sizes are standard but a platform could be placed in front to make it easier for residents.

Council Member Baier previously attended the Wasatch County School District Meeting related to a plan for potential schools. She was able to ask the Superintendent about plans for a school in the Jordanelle area. The response was that there was already a site. After the meeting, she was contacted by Kim Dickerson, who represented the Jordanelle area on the Wasatch County School Board. There was a desire to make a presentation and speak to the Town Council at the next Regular Meeting. She noted the next Regular Meeting was scheduled for April 14, 2022. Mayor Rubin explained they had reached out already. Council Member Baier felt it would be worthwhile to hear the presentation. Council Members could ask direct questions and specific concerns could be addressed.

There was no further public comment. Mayor Rubin closed the public input portion of the meeting at 6:19 p.m.

V. Public Hearing Items.

1. **Continued Discussion and Possible Approval Regarding an Amendment of the Official Town of Hideout Zoning Map to Rezone Parcels 00-0020-8181, 00-0020-8182, 00-0020-8184, and 00-0020-8185 (the “Boulders at Hideout Development”) from Mountain (M) Zone to Neighborhood Mixed-Use (NMU), R20 (Residential 20), R6 (Residential 6), and R3 (Residential 3)**

(Clerk’s note: Agenda items 1 and 2 were discussed in conjunction with each other.)

2. **Continued Discussion and Possible Approval of a Master Development Agreement (MDA) Regarding the Boulders at Hideout Development**

Mayor Rubin reported a meeting was held with the Boulders at Hideout development team. The Town asked Staff and the development team to bring additional content to the Town Council for consideration. However, all of the requested information had not been prepared in time for the meeting. As a result, the development team had asked the discussion be continued to a future date. The proposed date was March 24, 2022. Council Member Baier explained that she had a conflict that night. It was an important discussion and she felt it would be best to choose a date when the entire Council could attend. She also wanted to receive the materials ahead of time to contemplate all of the information.

Mayor Rubin asked Town Clerk, Alicia Fairbourne to inform the development team that March 24, 2022, was not possible due to Council Member conflicts. Ms. Fairbourne asked that Council Members send their availability to her so an appropriate date could be determined. If the discussion was continued to a date uncertain, the public notice would need to be redone at least 10 days prior to the scheduled meeting. Town Attorney, Polly McLean believed it would be best to continue the public hearing items to a date uncertain. It would be re-noticed once a date that suited all Council Members was determined.

The Public Hearing Items were continued to a date uncertain.

VI. Agenda Items

1. **Discussion and Possible Adoption of Resolution 2022-R-02 Regarding the Updated Mountainland Association of Governments (MAG) Pre-Disaster Mitigation Plan for Summit, Utah, and Wasatch Counties**

Mayor Rubin reported that the above item related to the updated Mountainland Association of Governments (MAG) Pre-Disaster Mitigation Plan for Summit, Utah, and Wasatch Counties. Shauna Mecham was a guest speaker on behalf of MAG. Ms. Mecham explained there were two reasons for the Pre-Disaster Mitigation Plan. One of the reasons was that mitigation planning saved lives, money, and property. The Federal Emergency Management Agency (FEMA) wanted every community to think about mitigation. Though it was sometimes easier to focus on response, mitigation was preferable. For example, preserving open space in wildfire-prone areas or requiring materials that were less flammable in housing developments could mitigate issues and save money. Ms. Mecham

stated the first reason for the Pre-Disaster Mitigation Plan was to focus on mitigation efforts. The second reason for the plan was that it allowed participating entities to be eligible to apply for FEMA grants.

Mayor Rubin asked that introductory information be shared about MAG. Ms. Mecham reported the MAG mission was to help communities achieve their visions in Summit, Utah, and Wasatch Counties. Ultimately, MAG answers to all of the Mayors and County Commissioners in those areas. MAG did a lot of transportation planning across borders. For instance, MAG had done the Wasatch County Transit Study and had worked with Hideout on the SR-248 Corridor Agreement with the Utah Department of Transportation (UDOT). Something regional that crossed boundaries would likely involve MAG.

Ms. Mecham reported that a few years ago, MAG noticed that it was time to think about refreshing the Pre-Disaster Mitigation Plan. As a result, the Executive Council discussed the possibility of an update. MAG understood it could strain local resources when towns and cities created their own plans. Members of the Executive Council were supportive of the update, and she had been working with every community in the MAG jurisdiction since then to update the plan. Ms. Mecham explained the intention this time around was to create a website which would be more accessible. The website was shared with the Council for review. She felt the Risk Assessment and Map section was the most interesting. It was possible to scroll in and out of the fire, flood, and earthquake hazard maps. Ms. Mecham noted fire was the most significant concern for the Town of Hideout. The Fire Map data would be updated. She stated it showed the likelihood of a fire as well as the assets in the area.

The Mitigation Strategies were shared. Ms. Mecham explained after looking at the maps and determining the greatest vulnerabilities, strategies were created to mitigate those disasters. The strategies could be aspirational, and no community was held to those strategies. She explained that there was no penalty if a town or city does not achieve the strategies outlined in the Plan. However, if something was specifically mentioned in the Pre-Disaster Mitigation Plan and Hideout wanted to apply for a FEMA grant, that application was more likely to move ahead in the grant process.

Mayor Rubin liked the Risk Analysis Matrix that was included in the Pre-Disaster Mitigation Plan. There was a lot of useful information. For Hideout, the biggest issue was fire. There were also concerns related to erosion, but fire was the main concern. Ms. McCosh thanked Ms. Mecham for attending the Town Council Meeting. She clarified Hideout adopted the Plan a few years ago but since the Plan had been updated, it needed to be readopted. Council Member Haselton loved reading the information but wondered if a booklet was available since it was difficult to read 379 pages on the computer. Ms. Mecham explained a booklet could be printed but none were available currently.

Council Member Severini praised MAG for their work and asked about the Capabilities Assessment. Page 368 stated that Hideout needed to be part of the Summit County Emergency Alert System. He wondered why Hideout needed to be part of that system. Council Member Severini also pointed out that it stated “No” under maps and plans and there was a blank for education and outreach. Ms. Mecham explained this was average for cities and towns in the area. The maps and plans section had to do with whether the city or town had a separate Emergency Preparedness Plan. As far as the Emergency Alert System, she had heard feedback that Hideout was closer to Summit County than Wasatch County. When disasters occur in Summit County, they were more likely to impact Hideout.

Mayor Rubin noted that all of the underground lines were mapped. Those were not fully publicly available for security purposes, but the Town was aware of where the gas lines and water lines were

located. Ms. Mecham explained the “No” which was listed under maps and plans did not mean that the Town needed to post secure maps on the website. Council Member Severini wondered what the recommendation was to address education and outreach. The Town had been trying to do better planning from an emergency preparedness standpoint but that may not have been factored in. Ms. Mecham explained the Pre-Disaster Mitigation Plan was updated every four to five years. The data shown was current.

Mayor Rubin reported the Town adopted an Emergency Operations Plan for Wasatch County by Resolution. He wanted to know if it was important to have that information stated in the Pre-Disaster Mitigation Plan to obtain FEMA grants. Ms. Mecham stated she would update the Plan to include that information. Ms. Mecham noted there were several strategies listed in the plan, such as educating homeowners on fire-wise practices, updating the Town Code, and looking at Homeowners Association (“HOA”) landscaping requirements to reduce water use. Mayor Rubin asked that any information that may impact FEMA support be added to the Plan.

Council Member Baier noted the Town was focused on the Wildland/Urban Interface Code and fire. There were other potential hazards recognized in the Plan, but they did not apply to Hideout specifically. She wondered why that was. Ms. Mecham explained some items such as fire, flood, and landslides were easier to see because there were maps showing where the potential risks would be. For rock fall, where there may not be the specific dates or locations listed, it was more difficult. If there was something the Town felt needed to be mentioned specifically, other strategies could be included. The Town could list as many potential hazards as the Council felt necessary. Council Member Baier discussed air quality and noted there could be regulations on new construction. Alternatively, open wood burning could be controlled. Ms. Mecham felt those strategies would be appropriate to include in the Pre-Disaster Mitigation Plan. She noted Heber City had that as one of their strategies and also referenced anti-idling ordinances. Park City had a desire to reduce auto-dependency.

Ms. Mecham noted there were a few strategies Hideout wanted to add. Additionally, the Council wanted to update the table in the Capabilities Assessment. She wondered if adoption of the Pre-Disaster Mitigation Plan would be pushed to the April 2022 Town Council Meeting. Mayor Rubin explained that adopting the Plan, as it was written, would not prevent the Town from focusing on other areas of concern or implementing different strategies. It would be updated every four or five years. He wanted to see the Council move the item forward. The longer the Town waited to adopt the Plan, the more at-risk the Town was, should something happen. He wanted to make sure Hideout could reach out to FEMA and other organizations for support, should there be a need.

Ms. Mecham explained if a disaster occurred, FEMA wanted to see the Town was at least thinking about mitigation and had considered the risks. If the Town had looked at wildfire and then a tornado occurred, the fact that the Town had prepared for some sort of disaster was what FEMA wanted to see beforehand. The current plan expired on May 18, 2022. A few revisions would be sent to FEMA before that time. Any inaccuracies or changes that the Town Council wanted to see could be submitted to Ms. Mecham. As long as the Pre-Disaster Mitigation Plan was adopted before May 18, 2022, the Town would have continuous coverage. Town Attorney, Cameron Platt, reviewed the Resolution language and had no concerns with what had been written. He explained this was not a binding document for the Town. It was a matter of official notice that the Town had recognized the document.

There were no further comments or questions from Council.

Motion: Council Member Haselton moved to approve Resolution 2022-R-02 regarding the Updated Mountainland Association of Governments (“MAG”) Pre-Disaster Mitigation Plan for Summit, Utah, and Wasatch Counties, with the proposed language, after inserting the “Town of Hideout” into the appropriate categories. Council Member Nadelberg made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. None opposed. The motion passed unanimously.

2. Discussion and Possible Adoption of an Ordinance that will Adopt the 2016 Wildland/Urban Interface Code and its Appendix C

Mayor Rubin reported the above item related to the Wildland/Urban Interface Code. He noted Director of Engineering and Public Works Timm Dixon and Troy Morgan from the Wasatch Fire District were present. Mayor Rubin explained the document was shared on the Town website and had also been sent out to residents. Some comments were received, which were shared with the Town Council. Mr. Dixon explained a meeting was held with representatives from the HOAs. He reiterated this was only for new construction and would not apply to anything that existed or was currently being built. However, he hoped residents of Hideout would follow the Wildland/Urban Interface because it would protect homes with a defensible space between the house and the tree canopy. The idea was to have ten (10) feet from the house canopy to the tree canopy. From the bottom of the tree canopy, there should be a minimum of six (6) feet from the bottom to the ground. This would clear out anything that was ignitable and could burn quickly. That space would be extremely beneficial.

Mr. Dixon reported his staff met with the Wasatch Fire District to understand what to look for during future inspections and Landscaping Plans. He explained there were Class 1, 2, and 3 ignitions. New construction had to deal with the fire rating between walls, garages, windows, roofing structures, and decking structures. The Building Officials would review the plans and work with the homeowners and developers to determine whether something was a Class 1, 2, or 3. Certain things needed to happen based on the class level.

Mr. Eddington explained he walked through the scoring sheet with various subdivisions in the community to determine how those subdivisions would score. He decided to take a general look at three neighborhoods consisting of Deer Springs, Rustler, and Soaring Hawk. Mr. Eddington shared the form and the data related to Deer Springs. He clarified his approach was general in nature since typically, the form is completed on a lot-by-lot basis. Additional points were given for more challenging sites. The hope was that the point score would be lower rather than higher. For Deer Springs, there was one primary road through the community, which was twenty (20) feet or more which scored one (1) point. Newer subdivisions met the forty-five (45)-foot or greater turnaround radius for cul-de-sacs. Deer Springs did not have any tall trees, so it scored relatively low. The topography was between twenty-one (21) to thirty (30) percent and resulted in a score of ten (10) points. Lower grades were advantageous and higher grades were considered more challenging. The latter resulted in more points. Mr. Eddington explained most of the roofing material in the community scored well. The scoring sheet also looked at water sources, decking, and utilities. The total point score for Deer Springs was sixty (60), which put it in the Moderate Hazard zone. That was the most likely rating for a subdivision. It was difficult to fall below moderate.

The Rustler subdivision scoring sheet was also reviewed. Mr. Eddington noted it scored slightly higher. It has a narrow road coming in and out, a dead-end with greater than two hundred (200) feet in length of right-of-way, and combustible siding and decking. Those all added extra points to the

score sheet. The result was seventy-nine (79) points, which put it in the High Hazard zone. With the narrow roads and the topography in the area, it was not necessarily a surprising result. Mr. Eddington reported the Soaring Hawk subdivision scored higher than Deer Springs. This was due to the road infrastructure and slopes. Ultimately, it fell within the Moderate Hazard zone but was on the higher side of moderate.

Mr. Morgan shared clarifying information about the scoring sheet form. Section B – Vegetation Plan was more lot-specific than subdivision wide. Those numbers could vary depending on the type of vegetation that would be planted and what already existed on the lot. If there was a one-half acre lot and someone built a 4,000-square-foot home, the majority of the vegetation on the lot would be used. A lot owner would not be punished for the decisions made elsewhere in the subdivision. Mr. Morgan pointed out the Town Council agenda item referenced the 2016 Wildland/Urban Interface Code. However, it was the 2006 Wildland/Urban Interface Code which was being discussed. That was the one which had been recognized by the State. It was noted this would be changed if the item was adopted.

Council Member Severini wondered if the scoring sheet would be filled out when someone moved in. He wanted to understand if it would be done pre-development or post-development. Mr. Morgan stated it would typically be done at the beginning of the Building Permit process. The applicant would fill out the Hazard Severity Form to the best of their knowledge and submit a Landscaping Plan. The Wasatch Fire District would review the application. Council Member Severini asked about follow-up. Mr. Morgan explained the way it worked with the County and Heber City, was an initial plan review was done and then before the final Building Permit was granted, there would be an on-site inspection to make sure the vegetation on the lot matched the plan that was submitted. The inspection would also ensure there were no violations within the Code. Council Member Severini wanted to know who paid for that. Mr. Morgan reported there was a fee which went with the Building Permit for the Wildland/Urban Interface portion.

Council Member Jacobs noted there had been a meeting with the different HOAs. She wanted to know what the feedback had been like. It was noted no additional questions were raised and no concerns were expressed at that time. Council Member Jacobs believed something like the Wildland/Urban Interface was needed but was concerned this would make it more difficult to build in Hideout. Council Member Severini wondered if an Extreme Hazard zone would impact homeowner insurance levels. The Council was informed that when a home is in the High and Extreme Hazard levels, it increased the defensible space requirements. Moderate Hazard was thirty (30) feet, High Hazard was fifty (50) feet, and Extreme Hazard was one hundred (100) feet. There were also differentiating factors in the Building Code which would require either Class A, B, or C construction. Council Member Severini wanted to understand if those factors would impact homeowner insurance. Mayor Rubin pointed out the State removed mandatory fire suppression systems, which increased insurance rates. The Wasatch Fire District Fire Marshal, Clint Neerings, explained there had not been any progress on requiring sprinkler systems in single-family dwellings. However, insurance companies may want to see that type of system in place in the future due to the large loss from fires taking place across the nation.

Council Member Jacobs believed the intention was to keep the score as low as possible. Mr. Neerings confirmed this. The score contributed to how much defensible space was needed. The higher hazard levels need more fire-resistant construction. Mayor Rubin stated that the goal was to give future homeowners and home builders the information necessary to make smart decisions. The goal was to

increase safety. There were additional items which needed to be addressed; for instance, what type of generator or backup system would be in place to address power loss or fire.

Mayor Rubin opened the meeting to comments from the community.

Brett Rutter was supportive of reducing risks and protecting the homes in Hideout. However, he had outstanding concerns. He felt there may be some misunderstanding about the scope and applicability of the Wildland/Urban Interface. Section 601.1 stated it applied to existing building structures located within the Wildland/Urban Interface area. Chapter 6 applied to all existing spaces, not just new construction and building permits. The way he read the language was creating defensible space would apply to everyone in the Town of Hideout. This included both existing and new construction. He asked for additional clarification about the intention of the Chapter 6 language.

Mr. Neerings explained what the Council was looking at now was a rough draft. The Code specifically stated it was only for new structures or structures which were altered. It was not retroactively enforced. Mr. Rutter stated every chapter had its own scope which applied to items in that chapter. Chapter 6 should be clearly revised before the Town considered adopting the Wildland/Urban Interface Code. There was another related paragraph he wanted to mention, which was Section 101.4. It related to retroactivity, and he was concerned about the language presented. For example, the sentence that stated "...to conditions which, in the opinion of the Code Official, constitute a distinct hazard to life or property," was a concern. He did not like the idea it would be entirely up to the Code Official to decide where retroactivity could apply. Mr. Rutter encouraged the Town Council to revise or clarify the language presented. As written, the language would remove a lot of the trees in Rustler.

Council Member Baier was not as concerned about allowing the Code Official to make decisions. She shared an example with those present. If someone planted a tree on their lot, it was acceptable within the current Code. Over time, that tree would grow, and the crown of the tree could encroach into the ten (10)-foot defensible space of a neighboring property. That neighbor would want the tree cut back or cut down, but since it was not on their lot, they would not be able enforce that. However, a Code Official could determine whether there was a hazard in that situation. Council Member Baier wanted to see safety was the main focus in all scenarios. The Council further discussed defensible space.

Mr. Rutter noted Section 403.6 called for address markers at the end of every driveway. He wanted to see a clear definition of the address makers because he was concerned that they would be destroyed by snowplows. Additionally, the address markers would likely be rendered useless during the winter months due to snowbanks. If addresses were visible day and night from the street, there should be an exemption from having an address marker. There were other options to consider. Council Member Baier explained some communities had address markers so that emergency responders can quickly and easily locate the correct house. In Hideout, there was not a lot of street lighting, on purpose, and it could be difficult to determine the address. Address markers would enhance safety. The aesthetics of the address markers could be discussed at a later time. What was most important was that the house numbers were visible. Mr. Rutter understood the desire to improve safety but some of the address markers at the curb were covered during the winter months. Additional clarity was needed to ensure the markers were effective.

Mr. Rutter shared a comment related to Chapter 5. He wanted to see the Town of Hideout limit the ability of an HOA to restrict fire-resistant siding. He also referenced Section 604.4, which talked about the tree crowns within the defensible space. Mr. Rutter encouraged the Council to look at the

trees in the area and consider whether trees within thirty (30) feet of every structure could survive losing limbs below six (6) feet. The language seemed to have been written for areas of Wasatch County that had a lot of conifer trees but did not consider the types of trees in Hideout. Mr. Platt explained the Town Council could not pass an Ordinance that was retroactive. The language presented was a work in progress. He asked that any concerns be submitted in writing to Town Staff. Mr. Neerings added the Wasatch Fire District would not enforce anything retroactively. Mr. Rutter stressed the intent needed to be reflected in the actual language. He noted A102.2 would widen the driveways. Many lots were not built yet. If this was implemented on new construction, it would clearcut most of the Gambel oak. Mr. Neerings explained that scrub oak would be enforced as ten (10) feet from the structure. He added it was nearly impossible to trim scrub oak six (6) feet from the ground.

Mayor Rubin felt Mr. Rutter had made some good points and believed the Council needed to go back through the document to identify areas which needed further clarity. It may also be worthwhile to speak to the HOAs one more time. The HOAs needed to understand the Wildland/Urban Interface will overrule the HOA design standards. There should be a line-by-line review of the document. Mayor Rubin asked Mr. Rutter to email the remainder of his comments and suggestions to the Town. Mr. Rutter stated he would do so as long as his comments were included in the public record.

Don Blumenthal noted fire safety around homes was a necessary topic of discussion. Defensible spaces were important for not only individual homeowners but also for the community. He had lived in Soaring Hawk since July. A Landscape Plan would be submitted shortly. It was based on changes in the terrain due to excavation. Mr. Blumenthal stated he did not want to have to submit several different review plans because it costs \$500 each time one is submitted.

Council Member Baier explained if the Wildland/Urban Interface Code was adopted, it would supersede the HOA. Mayor Rubin believed additional discussions needed to be had with the HOAs. Mr. Platt explained the Town could make amendments to the language. Ultimately, it was up to the Town Council to decide what standards should be put in place. It would only impact new construction. The HOA guidelines could be more restrictive but could not be less restrictive than what was approved. While there was the potential for conflict, ultimately, the Town Ordinance would prevail.

Council Member Baier pointed out the Town Council was considering whether the 2006 Wildland/Urban Interface Code and its Appendix C would be adopted. This was what had been adopted by the State. The Town was not rewriting it but was either adopting or not adopting the language. Mr. Platt clarified that the Town could make amendments either at the current meeting or in the future. The State adopted the version which was currently being reviewed. Some amendments could be made based on resident and Council Member feedback. The Town had other Ordinances, separate from this, which could be used as well. This was not the only enforcement mechanism in place to protect the community.

Council Member Nadelberg felt there was still some additional work to be done. He was concerned about insurance companies not being willing to cover homes within the Wildland/Urban Interface areas. Additional study was needed. While the principles were beneficial, the Town needed to look further into the unintended consequences. Council Member Nadelberg wanted to defer the item. There were also HOA discussions to be had. In his opinion, the HOA guidelines for landscaping were not sufficient. He wondered if there was a way to take back control of the landscaping from the HOA.

Council Member Haselton also wanted to defer the item. She suggested that Mr. Rutter provide input or assist in some way with the amendments. It seemed as though he had looked at the language carefully and had worthwhile comments to share. Mr. Rutter was happy to do that. Council Member Severini agreed with the comments shared and felt the Council needed to take a closer look at the language. He wondered if other towns in the area had adopted something similar. Mr. Dixon reported Park City and Heber had their own version. Riverton had one and Salt Lake City had its own. The minor changes those cities implemented pertained to landscaping. For instance, what type of landscaping would be allowed in certain areas. Mr. Neerings stated the Wasatch Fire District did not have any concerns about adding language related to retroactivity. He clarified homeowners' insurance was not being dropped due to the potential adoption of the Code, but the lack of defensible space.

Council Member Baier wondered if there was a timeline in place for the amendments. She did not want this to take a long time to move forward. It would be worthwhile to establish a timeline and have some participation from the Council and other interested parties. Mayor Rubin did not believe extensive amendments were needed. He would like to see the item come back for the April 2022 meeting. Staff would address the comments and concerns as appropriate. Council Member Jacobs and Mr. Rutter were both willing to participate in the review process. The amendments would make clear that the Wildland/Urban Interface Code was not retroactive from the adoption date.

There was discussion regarding house numbering. Mr. Morgan explained the language mirrored the Fire Code. If the address was visible from the road when the inspection was done, that would be appropriate. Mayor Rubin believed additional clarification and specificity would be worthwhile. The language could be cleaned up fairly quickly. Mayor Rubin asked that a list of attendees from the HOA meeting be shared so he could reach out. It was noted there would be another meeting with the HOA representatives. The item was continued to the April 2022 Hideout Town Council Meeting.

3. Discussion and Possible Approval of a Reallocation of Funds for the Budget Ending Fiscal Year 6/30/2023

Mayor Rubin reported the recommendation was to discuss the item at the April 2022 meeting. The auditors suggested changes so that the Town was in a better position moving forward. The auditors would complete their findings over the next week or so and the reallocation of funds would be discussed at the next Town Council Meeting. Mayor Rubin clarified that the agenda item should not state, "For the Budget Ending Fiscal Year 6/30/2023," but rather, "For the Budget Ending Fiscal Year 6/30/2022".

4. Discussion and Possible Adoption of a Public Infrastructure District (PID) Policy

Ms. McCosh reported that Aaron Wade from Gilmore & Bell was present. She explained that the Town had been working with the Economic Development Committee on a policy that outlined when and how the Town would evaluate a Public Infrastructure District ("PID") application. Mr. Wade stated that the PID was a new tool, but it was starting to gain some momentum in the State. It had also been used close to the community of Hideout, with the Mayflower development and Jordanelle Ridge by Heber City. He recommended that a PID policy be put in place because there would be projects where a PID would make sense. It was beneficial to have a policy in place so that Staff knew what to do when an application was received. This would also establish criteria that the Council could look to during evaluations. For instance, if the Council said yes to one development and no to another, there would be criteria and findings that could be used to support those specific decisions.

Mr. Wade explained the way a request was made was by submitting a Petition and Letter of Intent to form a PID. The petition was required under State Law and provided basic information about boundaries and who would participate. However, it did not provide information about the development. That was the reason the Letter of Intent was proposed. This would ensure the Town had enough information to fully evaluate the request. Since the PID was used to fund infrastructure, the applicant needed to submit what they were looking to build. For example, the regional and localized improvements and a timeline. Additionally, a Financial Plan needed to be submitted. The Economic Development Committee (EDC) would review the PID applications. If it was approved at that level, the governing document would need to be submitted to Staff and the Town Council for further review and consideration.

The fee section of the PID document was overviewed. Mr. Wade explained the recommendation from Staff was the fees be included in the Fee Schedule. This would allow the Town to make adjustments without needing to modify the PID policy. He reported there would be a fee at the time the Letter of Intent was submitted to ensure that the Town expenses were covered. There would also be a fee when the governing document submission took place. If the fees were not sufficient to cover the costs the Town was incurring, any additional fees would be paid by the applicant.

Mr. Wade discussed the criteria for evaluating a proposed PID. There were a number of points included in the document for review. He asked for Council feedback on those points. Many were taken directly from the General Plan. Mr. Wade explained each section of the General Plan had different goals that outlined what the Town wanted to see as a result of the General Plan. He had tried to incorporate those goals into the document. He overviewed the points related to public benefit:

- Resulting development that was consistent with the General Plan and all applicable supplements;
- Provision of and/or contribution to needed regional and sub-regional infrastructure;
- Resulting development that contributed to diversifying and solidifying the Town's property or sales tax bases;
- Resulting development preserved viewsheds, green space, and unique topography beyond baseline Town requirements; improved recycling efforts; installed community-minded open spaces including parks and trails; and promoted conservation and preservation practices to protect the local environment in excess of baseline Town requirements;
- Resulting development promoted a mix of residential and commercial uses appropriate for the community;
- Resulting development provided for moderate-income housing;
- Resulting development increased livability of the Town by encouraging appropriate commercial uses to serve resident needs; enhanced public gathering spaces and community connectivity; and/or encouraged commercial uses which are financially beneficial to the Town to improve resident quality of life and generated revenues to expand and maintain public infrastructure;

- Provision of public pedestrian, bicyclist, and motor vehicle facilities; improved quantity and quality of trails in the area; increased frequency of transit services to nearby cities; addressed user and wildlife safety concerns related to SR-248;
- Enhancement and expansion of current utilities to account for current and future population growth; prioritization of the maintenance, mapping, and improvement of existing infrastructure; or improved student commute time;
- Allowed for well-planned, fiscally responsible annexations based on Town's development needs;
- Residential development which provided amenities and enhancements beyond baseline Town requirements;
- Sustainable design including multimodal transportation, water-conserving landscape design, thoughtful development phasing, green building design, and formation of and participation in transportation management programs; and
- High-quality site and building design, including street connectivity, multimodal street design, durable construction materials, and pedestrian-friendly building design.

Mr. Wade explained those points were intended to spark discussion. He wanted to hear feedback from the Town Council about the listed criteria. Mayor Rubin liked that different elements of the General Plan had been considered. He noted there could be a suggestion related to electric vehicle charging. Mr. Wade stated a PID should be beneficial to the Town. Asking for something like electric vehicle charging stations could certainly be part of the discussion.

Council Member Baier believed this seemed to be very focused on economic development. One of the reasons the Town might consider a PID was because the Town wanted a particular type of development or there was a specific need for something. She wondered if economic development was the only driver. It may be worthwhile to have conservation-related items as well. Open space and conservation were also referenced in the General Plan which could also be incorporated. Mr. Wade explained the criteria could be whatever the Town decided. There could be a focus on economic development and conservation or there could even be a focus on Public Works. It was up to the Council. Council Member Baier appreciated that Public Works had been mentioned and felt that was important.

Mayor Rubin noted item four talked about conservation and preservation. There was also one item which referenced Public Works' needs. Using the General Plan to create the points ensured a well-rounded approach was being taken. PID applications should align with the General Plan goals. Mayor Rubin noted one of the reasons the PID policy was being discussed was to ensure the Town had a position in place in case someone came forward with an application.

Council Member Severini explained when the discussions first started, it was determined the principles of the General Plan would be used. That information had then been fine-tuned. Mr. Wade added the majority of the points were taken from the goals of the General Plan. He explained the language, "beyond baseline Town requirements," had been included because it was an additional way the goals of the General Plan could be pushed forward. Mr. Wade wondered if the Town wanted to set some caps as far as the property tax went. The statutory limit was fifteen (15) mills, which was

1.5% of the taxable value. That was fairly high, given that the overlapping between the Town, the County, and Special Districts was twelve point five (12.5) mills. Fifteen (15) mills was very high, so some cities and towns had established a maximum in their policies. For instance, a residential PID could not be more than six (6) or eight (8) mills. Mr. Wade recommended there be a separate cap for residential projects and commercial projects.

A list of the existing tax rates had been prepared. It overviewed the rates for different districts in the State. The information was shared with the Council and reviewed. Mr. Wade reported the Medical School Campus in Provo received the statutory maximum because it was a commercial project for a medical school. Provo was excited about the medical school and had wanted to incentivize it. Another commercial project was reviewed. Black Desert in Ivins hit the 10-mill limit. On the other hand, some commercial and residential mixed-use projects had six (6) mills and five (5) mills. There was a variety. Typically, there was a lower mill levy for residential projects and a higher mill levy limit for mixed-use commercial projects. Mayor Rubin wondered if two separate limits could be set, for residential and commercial. Mr. Wade explained it was a uniform tax, so that could not be done. However, there were other options and ways to work around those limitations. For instance, one component of a project could have its own district, but the Town did need to charge a uniform rate within each district.

Mayor Rubin stated the Town could choose to be conservative with the policy and the policy could be modified or updated if that became necessary. Most of the examples of the existing tax rates were ten (10) mills or less. The type of number that would make the most sense for Hideout was likely between seven (7) and ten (10) mills. Mayor Rubin wanted to consider the implications on the taxpayers. There needed to be some value for the Town. Ms. McCosh suggested the Economic Development Committee review the rate. It may be best for the PID policy to be adopted at the April 2022 meeting after Committee review.

Council Member Severini pointed out there were some downsides to consider. Surrounding states such as Nevada, Colorado, and California had some version of the PID policy in place. It seemed to be a popular financing mechanism. The downside was the first buyer of the piece of property was given full transparency that some extra would be paid per year. After reading some materials on the subject, he found the second owner was not always made aware. Transparency was not always there from the seller to the buyer. He hoped transparency could be incentivized until the PID was fully retired. Mr. Wade reported that State Law allowed a PID to issue up to forty (40)-year bonds. However, he recommended that the governing document limit it to thirty-one (31) years. What was normally authorized in a governing document was a thirty (30)-year bond with a forty (40)-year repayment window.

Mr. Wade felt disclosure was one of the most important pieces of the PID from a Town perspective. A more recent development was the Standard Real Estate Disclosure Form in the State of Utah. This had been amended to include a box that had to be checked to disclose whether a property was within a PID. It would not necessarily prevent all issues, but it was another way to inform future buyers. Some cities had required the PID to be disclosed in the Covenants, Conditions, and Restrictions (CC&R's). It was important to ensure that buyers knew what they were buying into. There were several options.

Council Member Severini noted it would be helpful for the Economic Development Committee to receive some feedback from the Council. Mayor Rubin felt this was an excellent start and was supportive of what he had seen so far. Council Member Jacobs recognized a lot of work had gone

into the PID policy. It sounded like something like this was needed in the Town and she was supportive. Council Member Haselton agreed it was necessary. She liked that this would benefit the Town. Mayor Rubin wanted to see the PID policy adopted sooner rather than later but understood the Economic Development Committee may want to have another round of discussions. Council Member Severini stated he would take the item to the Committee. It would be ready to adopt in April 2022.

5. Possible Adoption of Resolution 2022-R-03 Regarding Changes to the Water Meter Fees, Business Licenses, and Public Infrastructure District (PID) Application Fee

Mayor Rubin reported the Town had looked into the Fee and Rate Schedule. Changes needed to be made to the Water Meter Fees because the water meters were being upgraded. The water meters would be able to provide instantaneous information about leaks or if there was an unusual amount of water passing through the meters. In addition, the information related to Business Licenses needed to be amended. Mayor Rubin explained the Code had language about the fee for the Business License. When the Business License cost was increased, it was changed on the Fee and Rate Schedule, but not in the Code. There was also some language related to a PID and the schedule would be amended to reflect the PID fee.

Council Members Nadelberg and Baier were not present for the item discussion or vote.

Motion: Council Member Severini moved to approved Resolution 2022-R-03 Regarding Changes to the Water Meter Fees, Business Licenses, and Public Infrastructure District (“PID”) Application Fee. Council Member Jacobs made the second. Voting Yes: Council Member Haselton, Council Member Jacobs, and Council Member Severini. Absent for voting: Council Member Baier and Council Member Nadelberg. None opposed. The motion passed unanimously.

VII. Closed Executive Session – Discussion of Pending or Reasonably Imminent Litigation, Personnel Matters, and/or the Sale or Acquisition of Real Property, as needed

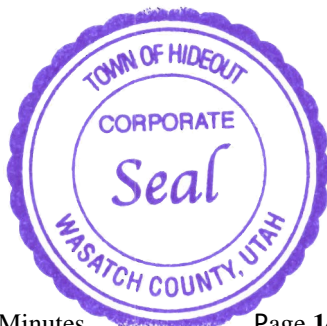
There was no need for an Executive Session.

VIII. Meeting Adjournment

Mayor Rubin thanked the Staff, the Town Council, and members of the community for their hard work and thorough discussions during the meeting. It was always beneficial to receive feedback.

Motion: Council Member Haselton moved to adjourn the Hideout Town Council Meeting. Council Member Severini made the second. Voting Yes: Council Member Haselton, Council Member Jacobs, and Council Member Severini. Absent from voting: Council Member Baier and Council Member Nadelberg. None opposed. The motion passed unanimously.

The Town Council Meeting adjourned at 9:19 p.m.



Alicia Fairbourne
Alicia Fairbourne, Town Clerk