

**HIDEOUT, UTAH TOWN COUNCIL MEETING**  
**JUNE 27, 2019**  
**AGENDA**

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold a special scheduled meeting at 10860 N. Hideout Trail, Hideout, Utah for the purposes and at the times as described below on Thursday, June 27, 2019

All public meetings are available via ZOOM conference call and net meeting. Interested parties may join by dialing in as follows:

Meeting URL: <https://zoom.us/j/4356594739>

To join by telephone dial: US: +1 408 638 0986

Meeting ID: 435 659 4739

**Special Meeting**

6:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONTINUATION OF PUBLIC HEARING – Annexation Policy Plan
  - a. Discussion of various input received to-date
  - b. Other public input
  - c. Discussion – next steps
4. PUBLIC HEARING – Consider the recommendation of the Planning Commission to approve a zone change for the Vanden Akker parcel from Mountain Zone to Residential Medium Density.
5. DISCUSSION and POSSIBLE ADOPTION of an ordinance requiring delinquent tax payments be made before approving development or building permits.
6. PUBLIC INPUT – Floor open for any member of the public to speak (5 minute limit per person).
7. ADJOURNMENT TO EXECUTIVE SESSION

**Closed Executive Session**

CLOSED EXECUTIVE SESSION –Threatened Legal Actions

- a. Open Executive Session
- b. Update on Status of Legal Issues
- c. Close Executive Session

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

**HIDEOUT TOWN COUNCIL**

10860 N. Hideout Trail

Hideout, UT 84036

Phone: 435-659-4739

Posted 6/25/2019

Agenda Item No. 3

June 20, 2019

**VIA E-MAIL & US MAIL**

Town of Hideout  
Mayor Philip Rubin  
Town Council  
10860 N. Hideout Trail  
Hideout, Utah 84036

*Re: Town of Hideout Annexation Declaration  
June 27, 2019 Public Hearing, Annexation Policy Plan*

Dear Mayor Rubin and Council,

This firm represents SkyRidge Development, LLC ("SkyRidge") and Jordanelle Land Investors, LLC ("Jordanelle Land"). This letter is in regards to the proposed Town of Hideout Annexation Declaration and the proposed Annexation Policy Plan set for public hearing on June 27, 2019.

SkyRidge and Jordanelle Land currently own approximately 670 acres of land located in unincorporated Wasatch County. Their properties are not contiguous to the boundaries of the Town of Hideout, but they are included in the proposed Annexation Map.

Over the past several years SkyRidge and Jordanelle Land have been working diligently with Wasatch County in order to develop their properties into master planned communities on the northwest shore of the Jordanelle allowing for premier homesites while also preserving almost 50% of open space. SkyRidge, Jordanelle Land and Wasatch County have also successfully worked together in order to bring to fruition the Jordanelle Parkway, which is currently under construction which will connect Mayflower Exit on US-40 to State Highway 248 at Brown's Canyon.

In summary, SkyRidge and Jordanelle are satisfied with their current status in Wasatch County and do not wish for their Properties to be considered or included in any annexation plan.

Please be advised that Sky Ridge and Jordanelle Land do not consent to annexation into the Town of Hideout nor will they consent to having their properties be included into the annexation declaration and annexation policy plan for the Town of Hideout.

If you have any questions, please call.

Sincerely,

HOGGAN LEE HUTCHINSON



Matthew B. Hutchinson

cc: SkyRidge Development, LLC (via e-mail)  
Jordanelle Land Investors, LLC (via e-mail)





June 17, 2019

**Office of the Mayor**

Dear Hideout Town Council,

Park City appreciates the Town Council's willingness to postpone discussion of its Annexation Policy Plan (the Plan). We look forward providing substantive input on the Plan. However, postponing the discussion until June 27 does not give Park City sufficient time to provide input. It also fails to meet the requirements in the annexation statute, which give affected entities 14-day advance notice of at least three required public meetings on the Plan. To allow affected entities sufficient time to provide input, we respectfully request that the Plan be sent back to the Planning Commission and that the statutory process be followed.

Park City has worked for decades to proactively plan for our future. A hallmark of careful planning is working collaboratively with affected partners, which Park City and Summit County have done. Hideout's Plan did not follow this hallmark of careful planning. Without collaboration, Hideout's Planning Commission recommended including areas in unincorporated Summit County that Park City and Summit County have discussed and carefully planned for years.

Procedural failures in Hideout's process deprived affected entities of the opportunity to provide the input contemplated under state law. Under the state's annexation law, Utah Code section 10-4-401.5, municipalities developing a plan must hold at least two planning commission meetings and one legislative body meeting, each with 14-day advance notice to affected entities. Park City is an affected entity because its boundary is one-half mile from the proposed annexation area.

Hideout did not provide Park City the affected entity notice before Hideout's Planning Commission considered the Plan on November 15, 2018 and April 18, 2019; or before the Town Council meeting on June 13, 2019. While these meetings may have been announced generally, posting notice to the general public is not sufficient. The legal requirement to give notice directly to affected entities is not just about checking boxes—it is part of a legal framework designed to allow affected entities the time and opportunity to weigh in on planning decisions that may impact them.

We also have substantive concerns with the Plan. It includes property adjacent to the City in unincorporated Summit County. Property owned by Park City, deed restricted property, and other parcels that are zoned recreation, open space, or to be developed at base density are all included. Careful planning and coordination went into these land use decisions involving Park City and Summit County. Yet Hideout did not even have a conversation with Park City about these decisions, which predate Hideout's existence.



Finally, the Plan fails to meaningfully address required elements, including an actual analysis of how services will be financed; consideration of tax consequences; or an examination of the Plan's impact on the interests of affected entities. The City appreciates additional time to address these substantive concerns. We look forward to the opportunity to discuss our shared interests and plan for the future together.

Sincerely,

A handwritten signature in blue ink that reads "Andy Beerman". The signature is stylized, with the first name "Andy" and the last name "Beerman" clearly visible.

Andy Beerman  
Park City Mayor



COUNTY MANAGER



THOMAS C. FISHER

June 26, 2019

By email only: [Mayor@hideoututah.gov](mailto:Mayor@hideoututah.gov), [dheavrin@hideoututah.gov](mailto:dheavrin@hideoututah.gov), [jwahl@hideoututah.gov](mailto:jwahl@hideoututah.gov),  
[hanz@hideoututah.gov](mailto:hanz@hideoututah.gov), [kshadle@hideoututah.gov](mailto:kshadle@hideoututah.gov), [chris@hideoututah.gov](mailto:chris@hideoututah.gov)

The Honorable Mayor, Philip Rubin  
Town of Hideout Council  
10860 North Hideout Trail  
Hideout, Utah 84036

RE: Hideout, Utah Annexation Declaration

Dear Mayor Rubin and Hideout Town Council:

Thank you for the opportunity to review and respond to the Town of Hideout's draft Annexation Declaration currently under consideration by the Hideout Town Council. We appreciate the effort that has been put into preparing this document. Please accept this letter as Summit County's response to the draft policy.

The Annexation Policy Map, Figure 9.1—Annexation Map, includes lands located in unincorporated Summit County. The proposed Annexation Policy Map appears to include Summit County Parcels CD-415-416, CD-417-418-A-1, and CD-417-A-1. These parcels are located in the Eastern Summit County Planning District and are zoned Agriculture-80 (AG-80) which permit one (1) unit of density per 80 acres. The Eastern Summit County General Plan emphasizes land use patterns and strategies that support and protect existing and future agricultural operations. The Eastern Summit County General Plan further stresses the need to ensure that new development is suitably located to minimize impacts to surrounding areas. Please note that the current Eastern Summit County General Plan and Eastern Summit County Development Code do not envision these areas as locations for future moderate-high residential, resort, commercial, or industrial development.

The proposed Annexation Policy Map further appears to include numerous Summit County parcels along the east side of US-40 in the Richardson Flat area. These parcels include, but are not necessarily limited to SS-81, SS-87, SS-87-B-X, SS-86, SS-87, SS-125, SS-125-C, PP-28, PP-28-1, PP-28-2, PP-28-3, PP-28-3-A, PP-27-A-1, PP-26-X, PP-26-A-1-AX, SS-121-X, SS-91-X, and the Gardner Addition to the East Park Subdivision. These parcels are located in the Snyderville Basin Planning District and are zoned Rural-Residential (*one unit of density per 20 acres on developable land/one unit of density per 40 acres on sensitive lands*) and Mountain Remote (*one unit per 120 acres*). The Richardson Flat properties owned by United Park City Mining Company are the subject of a Federal and State of Utah environmental soils remediation program and further restricted in use by a Restricted Use Covenant held

by Park City Municipal Corporation. The Snyderville Basin General Plan designates this area for "Recreation/Open Space" and "Very Low Density".

The "Anticipated Future Development Pattern" section of the proposed Annexation Declaration states:

*New Development should be sustainable to be beneficial to the Community. If development of an area proposed annexation does not further the goals of the town, it should not occur."*

Without further detailed explanation or definition of the desired future land uses, intensity of land uses, development patterns that are sought by the Town of Hideout, Summit County is left to conclude that the proposed Annexation Declaration will:

- lay the groundwork to accelerate potentially detrimental development activity that is inconsistent with Summit County planning policies;
- be inconsistent with existing Federal and State environmental initiatives;
- be in contradiction to existing restrictive use covenants for Richardson Flats; and
- prove highly-problematic to traffic and congestion issues on SR-248.

Summit County respectfully requests that the Town of Hideout remove all properties within Summit County from the proposed Annexation Declaration and Annexation Policy Map (Figure 9.1). In the event that the above-described properties are adopted into the Town of Hideout Annexation Declaration and Annexation Policy Map, Summit County will exercise its statutory authority under Utah Code Annotated §10-2-402(6) and withhold its consent to any annexation request involving properties located within Summit County. As an affected entity and governmental partner in promoting long-term quality growth strategies along the Wasatch Back, we thank you in advance for respecting our interests.

Sincerely,



Thomas C. Fisher  
County Manager

c: County Council, [countycouncil@summitcounty.org](mailto:countycouncil@summitcounty.org)  
Margaret Olson, County Attorney, [molson@summitcounty.org](mailto:molson@summitcounty.org)  
Dave Thomas, Deputy County Attorney, [dthomas@summitcounty.org](mailto:dthomas@summitcounty.org)  
Diane Foster, Park City Municipal Corporation, [diane.foster@parkcity.org](mailto:diane.foster@parkcity.org)  
Patrick Putt, Community Development Director, [pputt@summitcounty.org](mailto:pputt@summitcounty.org)



Agenda Item No. 4

Hideout Town Council will hold a Public Hearing on Thursday, June 27, at 6:00 p.m. at the Town Hall, 10860 North Hideout Trail, Hideout, UT 84036. The purpose of this hearing is to consider for possible approval a zoning change for Vanden Akker property from Mountain to Single Family Residential.

Those needing special accommodation for these hearings should contact the Town Clerk at (435) 659-4739 at least three days prior to the scheduled hearings.

Posted 6/13/19.

# Agenda Item No. 5

## **TOWN OF HIDEOUT, UTAH**

Ordinance No. 2019 - \_\_\_\_\_

### **AN ORDINANCE REQUIRING DEVELOPERS AND BUSINESSES TO BE CURRENT ON MONIES OWED TO THE TOWN OF HIDEOUT**

**WHEREAS**, property taxes are imposed to support the basic functions of county and local government and are deemed essential to the funding of operations, road maintenance, public health and safety, and;

**WHEREAS**, Hideout, is primarily a residential community that in the near term is heavily reliant upon property taxes to provide for the health and safety of its citizens, and;

**WHEREAS**, non-payment of property taxes increases the financial burden on the tax compliant citizens of the Town, and;

**WHEREAS**, water charges are imposed in order to pay for the water usage of consumers and to support the adequate functioning of the Town's water and waste water systems, and;

**WHEREAS**, non-payment of water charges increases the financial burden on compliant rate payers in the Town,

#### **NOW, THEREFORE, BE IT ORDAINED that:**

The Town of Hideout's Code shall be amended as follows:

#### **11.01.117: PAYMENT OF FEES:**

Any application for approval by the Planning Staff or Planning Commission shall not be considered complete or accepted until the applicant has submitted a complete application, including payment of all fees as required by Title. Fees paid shall be nonrefundable. Payment of the appropriate fee is no guarantee that the proposal will be approved.

*Shall be amended by adding the following:*

In addition, an affidavit shall be provided by the applicant attesting, under the penalty of perjury, to the fact that the applicant is not delinquent on property taxes, water charges, fees, fines or other moneys owed to the Town either directly or indirectly on any parcel owned by the applicant within the Town. Additionally, the applicant attests under penalty of perjury that they are not an owner, co-owner, shareholder or principle of any organization, business, or entity that is delinquent on any property taxes, water charges, fees, fines or other moneys owed directly or indirectly to the Town of Hideout. No application will be considered complete until such affidavit has been submitted to the Town.

#### **10.03.104: PERMITS REQUIRED:**



The requirements of all land use ordinances and building codes, as applicable, shall apply to all uses, buildings or structures located, or proposed, within the town. No use, building or structure shall be commenced or occupied unless and until all necessary approvals, permits and licenses have been issued in accordance with all requirements of the land use ordinances and building codes, as applicable.

*Shall be amended by adding the following:*

In addition, an affidavit shall be provided by the applicant attesting, under the penalty of perjury, to the fact that the applicant is not delinquent on property taxes, water charges, fees, fines or other moneys owed to the Town either directly or indirectly on any parcel owned by the applicant within the Town. Additionally, the applicant attests under penalty of perjury that they are not an owner, co-owner, shareholder or principle of any organization, business, or entity that that is delinquent on any property taxes, water charges, fees, fines or other moneys owed directly or indirectly to the Town of Hideout. No application will be considered complete until such affidavit has been submitted to the Town.

### **3.02.105: APPLICATIONS FOR LICENSE:**

(1) All applications for license shall include:

*Shall be amended by adding the following inclusion:*

(1) An affidavit attesting under penalty of perjury that the applicant is current on all property taxes for all parcels on which the business will operate; and that no water charges, fees, fines or other moneys are owed to the Town of Hideout, directly or indirectly. Additionally, the applicant attests under penalty of perjury that they are not an owner, co-owner, shareholder or principle of any organization, business, or entity that that is delinquent on any property taxes, water charges, fees, fines or other moneys owed directly or indirectly to the Town of Hideout.

### **3.02.111: REVOCATION OR DENIAL OF BUSINESS LICENSE:**

(1) Any license issued pursuant to the provisions of this code or of any ordinance of this municipality may be revoked and any application denied by the Planning Commission because of:

*Shall be amended to read:*

(1) Any license issued pursuant to the provisions of this code may be revoked and any application denied because of:

*And shall be amended by adding the following revocation reasons:*

(d) The failure to remain current on any property taxes, water charges, fees, fines, or other moneys due directly or indirectly to the Town of Hideout.

(e) The failure of any business, organization or entity for which the business owner is an owner, co-owner, shareholder, or principle; to remain current on any taxes, fees, fines, or other moneys due directly or indirectly to the Town of Hideout.