



HIDEOUT, UTAH TOWN COUNCIL REGULAR MEETING
October 13, 2022
Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold its regularly scheduled meeting electronically for the purposes and at the times as described below on Thursday, October 13, 2022

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin’s October 12, 2022 No Anchor Site Determination Letter.

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

Zoom Meeting URL: <https://zoom.us/j/4356594739> To join by telephone dial: US: +1 408 638 0986
Meeting ID: 435 659 4739
YouTube Live Channel: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Regular Meeting
6:00 PM

- I. Call to Order
 - [1.](#) No Anchor Site Determination Letter
- II. Roll Call
- III. Approval of Council Minutes
 - [1.](#) March 29, 2022 Town Council Special Meeting Minutes DRAFT
- IV. Follow Up Items from Council Minutes
- V. Public Input - Floor open for any attendee to speak on items not listed on the agenda
- VI. Agenda Items
 - [1.](#) Discussion and possible approval of an extension beyond the six-month timeline to record Hideout Canyon Lot 37 Driveway Amendment (parcel 00-0020-7851)
 - [2.](#) Discussion and consideration of adopting Ordinance 2022-O-XX regarding Dark Skies Lighting
 - [3.](#) Discussion regarding Section 403.6 of the Wildland Urban Interface Code regarding Address Markers
 - [4.](#) Consideration of possible adoption of Ordinance 2022-O-XX amending Title 8, Chapter 4 "Obstructions of Public Streets and Property"
 - 5. Consideration and possible adoption of Ordinance 2022-O-XX regarding the burial of utility lines
 - 6. Update regarding the Poly Platform App for Hideout
- VII. Committee Updates
 - 1. Planning Commission - Ryan Sapp
 - 2. Community Engagement Committee - Sheri
 - 3. Economic Development Committee (EDC) - Ralph
 - 4. Parks, Open Space and Trails (POST) Committee - Chris
 - 5. Transportation Committee - Carol
 - 6. Hideout Design Review Committee (DRC) - Thomas
 - 7. Infrastructure - Timm
- VIII. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed
- IX. Meeting Adjournment

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



October 12, 2022

DETERMINATION REGARDING CONDUCTING TOWN OF HIDEOUT PUBLIC MEETINGS
WITHOUT AN ANCHOR LOCATION

The Mayor of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(5) and Hideout Town Ordinance 2020-03. The facts upon which this determination is based include: The seven-day rolling percent and number of positive COVID-19 cases in Utah has been over 16.27% of those tested since September 30, 2022. The seven-day number of positive cases has been, on average, 247 per day since October 5, 2022.

This meeting will not have a physical anchor location. All participants will connect remotely. All public meetings are available via YouTube Live Stream on the Hideout, Utah YouTube channel at: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Interested parties may join by dialing in as follows:

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

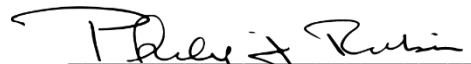
To join by telephone dial: US: +1 408-638-0986

Meeting ID: 4356594739

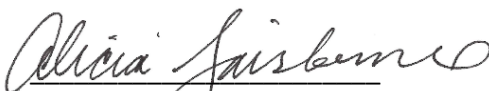
Additionally, comments may be emailed to hideoututah@hideoututah.gov. Emailed comments received prior to the scheduled meeting will be considered by Council and entered into public record.

This determination will expire in 30 days on November 11, 2022.

BY:


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk



Minutes
Town of Hideout
Town Council Special Meeting / Public Hearing
March 29, 2022

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on March 29, 2022, at 6:00 p.m. electronically via Zoom Conference call due to the ongoing COVID-19 pandemic.

Special Meeting and Public Hearing

I. Call to Order

1. No Anchor Site Determination Letter

Mayor Rubin called the meeting to order at 6:02 pm and reminded participants there was no physical anchor site due to the ongoing COVID-19 pandemic.

II. Roll Call

Present: Mayor Phil Rubin
 Council Member Chris Baier
 Council Member Sheri Jacobs
 Council Member Carol Haselton
 Council Member Bob Nadelberg
 Council Member Ralph Severini

Staff Present: Town Attorneys Polly McLean
 Town Administrator Jan McCosh
 Town Planner Thomas Eddington
 Director of Engineering and Public Works Timm Dixon
 Town Engineer Ryan Taylor
 Town Clerk Alicia Fairbourne

Others Present: Todd Amberry, McKay Christensen, Patricia Bidwell, Brett Rutter, Sean Philipoom, Ryan Leach, Michael Sapers, Kristy Harrigan, Rachel Cooper, Jack Walkenhorst, Jared Fields, Dale Aychman, Michael McGlaulin, Nate Brockbank and others who may have logged in using a partial name or using only a phone number.

III. Agenda Items

1. Discussion and possible adoption of a Public Infrastructure District (PID) policy

Town Administrator Jan McCosh noted the Economic Development Committee had met to discuss different mill rates for the PID Policy. It was decided ten (10) mills would be proposed for consideration by the Council. Council Member Baier inquired how this rate was decided. Ms. McCosh stated the Committee compared rates with other areas and found the lower rates were typically rural areas and primarily for residential development. She also noted the Military

Installation Development Authority (MIDA) development allowed twenty (20) as a mill rate. However, if Hideout adopted the mill rate a twenty (20), MIDA would have to adopt that rate as well. The Committee decided ten (10) was a good rate for Mixed Use Development. The proposed Policy would allow a variable rate based on the type of project presented to the Town.

The Council had not reviewed the updated Policy, and therefore, Mayor Rubin stated the Policy should be continued to the next meeting. Ms. McCosh would send the updated version of the Policy to the Council immediately.

IV. Public Hearing Items:

1. Discussion and possible approval of subdivision/lot amendment to Hideout Canyon lot 37 (parcel 00-0020-7851)

**Note: This item will be continued to the April 14, 2022 Regular Town Council Meeting*

Mayor Rubin noted the discussion would be tabled to the April 14, 2022 Regular Town Council Meeting and public comment would be heard at that time.

2. 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 "Boulders at Hideout Development") from Mountain (M) zone to Neighborhood Mixed Use (NMU), R20 (Residential 20), R6 (Residential 6), and R3 (Residential 3)

Town Planner Thomas Eddington presented the Staff Report to Council and noted the applicants had obtained a traffic study and an updated fiscal analysis. The purpose of this meeting was to review those studies and to have additional discussion and to answer any questions the Council may have. The applicants were not expecting a final vote on the project at this time.

Mr. Eddington explained he had reviewed various zoning options – which included a Planned Performance Development (PPD) overlay, and Resort Specially Planned Area (RSPA) – which would not allow for the increase in density proposed with the project. If the requested zoning designations were granted (Residential 3, Residential 6, Residential 20, and Neighborhood Mixed Use), the total allowed equivalent residential units (ERUs) would equal 1923. Mr. Eddington recommended including language in the Master Development Agreement (MDA) for a maximum allowed density of 577 ERUs. He further noted if the zoning were approved as requested and the project failed, another developer could be allowed to build up to 1923 ERUs on the area. The applicants agreed and were amenable to adding language in the MDA which would restrict the number of units. Council Member Baier noted the agenda wording should be amended to reflect different zoning.

The updated fiscal analysis was presented. Applicant McKay Christensen explained the various sources of potential revenue and the potential tax revenue for the Town over a five-year term.

The Land, Unit, and Income and Sales Tax Distribution charts were presented and discussed. Council Member Jacobs inquired how much this development would cost the Town. Mr. Christensen explained the impact fees would help to offset the costs. He offered to provide an analysis of cost to the Town during the next meeting if the Town would provide the various expenses to him. Discussion regarding the cost versus revenue benefit to the Town continued.

1 Council Member Jacobs inquired about the projected timeline for the project. Mr. Christensen
2 stated it would be in phases; each of which would be presented to Council. He noted once enough
3 Certificates of Occupancy were issued in each phase, amenities would be built, which would then
4 require a Homeowners Association (HOA) to maintain those amenities. He stated the
5 development plan was fairly aggressive.

6 Council then asked for clarity regarding what the contributions would be given to the Town by
7 the developer if the development were to be approved. Applicant Todd Amberry stated \$2 million
8 would be allocated to the Town for a pedestrian underpass connecting the east and west sides of
9 SR-248. He noted the Town would receive approximately \$10 million dollars in amenities which
10 would be available to the public, a trail system which connected to other developments' trail
11 systems, and a hotel and commercial retail, which would provide revenue to the Town. In return,
12 the Town would approve the 577 ERUs and approval to use the PID.

13 Mr. Christensen provided alternative concept idea regarding the pond, which included reducing
14 the size of the pond and constructing an indoor/outdoor pavilion which could act somewhat as an
15 event center or gathering space. Mayor Rubin agreed and stated a gathering space would be an
16 asset to the community. Mr. Christensen addressed the need for parking and noted by reducing
17 the size of the pond and removing two of the casita units, it allowed for the pickleball courts to
18 be closer to the pavilion and construct a parking surface within the immediate vicinity.

19 The traffic study was discussed. Mr. Amberry stated they had attended a meeting with the Utah
20 Department of Transportation (UDOT) and presented the traffic study to the stakeholders of
21 UDOT.

22 Council Member Severini inquired if the viewshed had been taken into consideration for the
23 development behind this project. Mr. Amberry stated a complete grading analysis was being
24 crafted per the Town Engineer's request. He noted the analysis would take a significant amount
25 of time, but it would be available to the Council and public as soon as possible.

26 Council Member Baier mentioned the wildlife corridors and asked for the applicants to take the
27 wildlife into consideration.

28 Mayor Rubin noted the Golden Eagle subdivision had an easement from the development to SR-
29 248, which was required to be functional. Mr. Amberry noted they had met with the legal counsel
30 regarding the easement and would ensure the road alignment would match up with the surveyed
31 easements. They were also considering alternate layouts for the access locations to avoid the
32 Golden Eagle property altogether.

33 The traffic study was presented. Mr. Amberry explained the way traffic studies were broken out
34 was by trip generation. The number and type of units were taken into consideration and plugged
35 into a formula used by all traffic engineers. The table specific to this project was displayed and
36 Mr. Amberry explained UDOT would analyze the information and provide requirements for
37 acceleration and deceleration lanes, turn lanes, traffic lights, et cetera. Council Member Severini
38 inquired if a traffic impact analysis would be provided. Mr. Amberry explained because this
39 development had direct access to SR-248 and that road was designed to accommodate significant
40 amounts of traffic, an impact analysis would not be conducted. The only consideration would be
41 the speed at which traffic enters and exits SR-248 and the length of those acceleration and
42 deceleration lanes.

1 There being no further questions from Council, Mayor Rubin opened the floor for public comment
2 at 7:55 p.m.

3 *Patricia Bidwell* – Ms. Bidwell was a lot owner in Golden Eagle. She expressed her concern of
4 the proposed density. She also mentioned water usage had not been addressed, and this level of
5 density would put a strain on the water usage. Mayor Rubin stated the water usage was addressed
6 in prior meetings and the applicants understood they would need to bring enough water shares for
7 the development. Council Member Baier added the applicant would be required to obtain sewer
8 rights with Jordanelle Special Service District (JSSD). These were yet to be determined but she
9 assured Ms. Bidwell they were on the top of the priority list of requirements.

10 *Brett Rutter* – Mr. Rutter inquired about the fiscal analysis. He admitted he was late joining the
11 meeting and apologized if it had already been discussed. Mayor Rubin stated the fiscal analysis
12 had not been included in the meeting materials published prior to the meeting but had been
13 discussed earlier in the meeting. Mr. Rutter expressed opposition of adding this amount of density
14 to the Town.

15 *Sean Philipoom* – thanked the Mayor and Council for volunteering their time and commended
16 them for the progress the Town had made. He expressed concern for the development, stating it
17 would be a step back for the standards of the Council. He expressed his disappointment regarding
18 the timeliness of the meeting materials, noting if the Council had not received the materials with
19 enough time to review them, it was unacceptable. He inquired why the developer was providing
20 the fiscal impact and not an impartial party such as Zions Bank. He was not comfortable with
21 what the applicants were providing for the fiscal impact studies. He felt the Council should not
22 be pressured into such a big decision based on the applicant's deadlines with the seller. He stated
23 he had reviewed the agreement between UDOT and Hideout as well as the letter from the legal
24 counsel for Mustang Development, and he agreed with the points brought up by Mustang
25 Development. He expressed concern regarding the access roads from SR-248 and thought the
26 intent of UDOT's Access Management Plan should be taken into consideration when granting
27 access to these roads. He was concerned with the calculations of the density, which he felt were
28 not correct.

29 Mayor Rubin addressed some of Mr. Philipoom's concerns, noting the Town had a process for
30 these proposals and the Council was doing its due diligence. He stated landowners had rights as
31 well which allowed them to bring proposals to the Town. He further stated the Town would bring
32 in a third-party Fiscal Analysis Review which was currently being worked on. He felt the Town
33 was doing its appropriate due diligence by holding these meetings, asking appropriate questions,
34 and ensuring both the residents and constituents were informed of the decision-making process,
35 and the pros and cons were taken into consideration for the greater good of the community when
36 it came to a vote.

37 There being no further public comments, Mayor Rubin closed the public comment portion at 8:11
38 p.m. and reminded participants the item would be continued to the April 14, 2022 Regular Town
39 Council meeting.

40 Council Member Severini inquired about conducting a survey for residents regarding the project.
41 Mayor Rubin stated Staff was working on formulating questions for the survey and would send it
42 to residents in the coming weeks. Ms. McLean suggested holding an open house for the public to
43 discuss the project and ask questions. Mr. Christensen was open to the idea of holding an open
44 house at the site in order for residents to see the property and ask questions.

Council Member Haselton asked the applicants if a 3-D model of the project was being prepared and when it would be available. The applicants noted it would be a computer-generated rendering which would take a lot of time to complete. They were uncertain of when it could be presented to Council, but with the preliminary grading plan, some of the slopes and topography would be included. The Town's zoning requirements and viewshed were specifically being taken into consideration while preparing the grading plan.

Council Member Haselton added the applicants should consider what the residents have stated they want, which was a town gathering place or community center. She would like the applicants to consider expanding the pavilion to include a Town Hall, which the applicant agreed to consider the possibility.

Council Member Jacobs asked if the density was negotiable. Mr. Amberry stated it could be negotiated; however, the cost of the infrastructure, amenities, and contribution to the Town must be borne by items which produced revenue. If density were to be taken away, the ability to fund the other amenities and improvements would also be lost. He stated negotiations between themselves and Staff had been reviewed and the density was adjusted over the last several months.

Discussion regarding holding an open house ensued. It was determined an open house would be held and noticed for the public to attend prior to the next Town Council meeting.

3. Discussion and possible approval of a Master Development Agreement (MDA) regarding the Boulders at Hideout Development

(This item was not discussed during this meeting.)

Mayor Rubin reiterated the MDA and rezone request would be continued to the April 14, 2022 Regular Town Council meeting.

4. Public Comments

(Emailed public comments taken into consideration by Council were included in the meeting materials.)

Mayor Rubin wanted to acknowledge on record that the letter regarding the easement from Mustang Development's Legal Council had been received and reviewed by Council.

V. Meeting Adjournment

Mayor Rubin thanked Council and Staff for attending the extra meeting. Council Member Baier asked if a Special Meeting outside of the Regular Meeting could be considered since there was regular Town business to attend to. Mayor Rubin agreed and would ask Council if their schedules would allot for an additional Special Meeting could be held in April for further discussion.

There being no further business, Mayor Rubin asked for a motion to adjourn.

Motion: Council Member Haselton moved to adjourn the meeting. Council Member Baier made the second. Voting Yea: Council Member Baier, Council Member Haselton, Council Member Jacobs, and Council Member Severini. Absent from voting: Council Member Nadelberg. None opposed. Motion carried.

1 The meeting adjourned at 8:53 p.m.

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Alicia Fairbourne, Town Clerk

DRAFT



Staff Review of Proposed Subdivision Amendment for Town Council

To: Mayor Philip Rubin
Hideout Town Council

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

Re: Hideout Canyon Phase 1 – Lot 37 Amendment to Residential Subdivision

Date: October 10, 2022

Submittals: The Applicant previously submitted the following plans:

- Subdivision Amendment Application dated 12 October 2021
 - Undated and Unsigned Subdivision Plat (submitted 26 January 2022)
-

Planning Overview

The Hideout Canyon Phase 1 – Lot 37 Amendment to Residential Subdivision received Final Plat Approval on April 14, 2022. Due to some revisions and update delays, this subdivision may be delayed and not recorded by October 14, 2022, which would put it at more than six (6) months to recordation. The Hideout Town Code, Section 11.06.36, states, “The Town Council may grant a one-time extension to the recording of the Final Plat not exceeding six (6) months; provided, that the Developer submits the request for extension prior to expiration of the Final Plat and satisfies any new Town requirements pertaining to the public health, safety and welfare.”

To ensure the Applicant doesn’t miss the six-month window in which to request an extension, Town Staff is recommending the Town Council consider an extension to allow the Applicant additional time, if needed, to record the subdivision.

There are no changes proposed by the Applicant for Hideout Canyon Phase 1 – Lot 37 Amendment to Residential Subdivision and there have been no changes to the Town requirements pertaining to the public health, safety and welfare which would apply to this application.



Town Staff Recommendation

Staff recommends the Town Council review and approve the Hideout Canyon Phase 1 – Lot 37 Amendment to Residential Subdivision. This project was reviewed by the Town Planner and Town Engineer in detail back in March/April 2022 and will not be formally reviewed by the Town Planner or Town Engineer this round since no changes are proposed.

A Resolution was not completed at the time of the initial approval but Town Staff has attached a Resolution for consideration and approval by the Town Council. Resolutions, even for very minor subdivisions, are an effective way for Town Staff and Town Council to keep track of approvals and conditions for projects.

Resolution 2022-R-__**AN RESOLUTION APPROVING A SUBDIVISION AMENDMENT FOR HIDEOUT CANYON
PHASE 1 (AMENDED POD 9) – LOT 37 AMENDMENT TO RESIDENTIAL SUBDIVISION
LOCATED IN HIDEOUT, UTAH**

WHEREAS, owners of the property known as Lot 37 in The Hideout Canyon (Amended Phase 1 Pod 9) Subdivision Plat, located in Hideout, Utah, have petitioned the Town Council for approval of a subdivision amendment; and

WHEREAS, legal notice of the public hearing was published on the Town of Hideout's website on February 7, 2022 for the Planning Commission meeting and March 17, 2022 for the Town Council meeting according to the requirements of the Hideout Municipal Code; and

WHEREAS, the Planning Commission held a public hearing on February 17, 2022 to receive input on the proposed subdivision amendment and forwarded a positive recommendation to the Town Council; and

WHEREAS, on March 29, 2022 the Town Council continued the public hearing to April 14, 2022 when the Town Council held a public hearing on the subdivision amendment; and

WHEREAS, it is in the best interest of Hideout, Utah to approve the proposed driveway reconfiguration in the Hideout Canyon Subdivision given that this subdivision amendment is intended to comply with the Hideout Municipal Code, the 2010 Master Development Agreement (MDA), and the Technical Reports prepared by the Town Staff as well as all other recorded agreements.

NOW, THEREFORE BE IT RESOLVED by the Town Council of Hideout, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The subdivision plats illustrating the revised driveway configuration (w/common and limited common space altered) as shown in Exhibit A is approved subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. Hideout Canyon Phase 1 (Amended Pod 9) Subdivision was recorded on April 2, 2008.
2. Hideout Canyon Phase 1 (Amended Pod 9) Subdivision was comprised of four (4) lots – Lots 36 – 39.
3. The property is located within the Town of Hideout along SR248, the east side about midway through Town.
4. Zoning for the property is RSPA – Resort Specially Planned Area.
5. The new driveway (limited common area) will provide for access to Lot 37 with the ingress/egress to Longview Road moved slightly to the south.
6. Lot 36 will have its own driveway; fully separated by common space between their driveway and the newly proposed driveway for Lot 37.
7. The driveway ingress/egress for Lot 37 off of Longview Drive is greater than 70'-0" from the driveway ingress/egress point for Lot 36 on Longview Drive.
8. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on March 11, 2010.

9. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.
10. No changes are proposed to the existing road alignment or uses associated with this plat.

Conclusions of Law

1. The subdivision amendment, as conditioned, complies with Hideout Municipal Code.
2. The subdivision amendment as conditioned, is consistent with the applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision amendment as conditioned.
4. Approval of the subdivision amendment, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Hideout.
5. If the Applicant requests an extension for the subdivision amendment, the Hideout Municipal Code requires that these submittals "satisfy[ies] any new Town requirements pertaining to the public health, safety and welfare."

Conditions of Approval

1. The Town Attorney, Town Planner and Town Engineer will review and approve the final form and content of the subdivision amendment for compliance with State law, the Hideout Municipal Code, the Master Development Agreement and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision amendment at Wasatch County within six (6) months from the date of Town Council approval. If recordation has not occurred within six (6) months' time, this approval for the plat will be void unless a written request for an extension is submitted to the Town prior to the expiration date and the Town Council grants an extension.
3. Non-exclusive public utility easements shall be indicated on the plats prior to recordation as approved by the Town Engineer and consistent with the utility plan, including drainage easements.
4. The Applicant must adhere to all requirements of the Master HOA, including Design Review Committee (DRC) requirements.
5. The slope on the driveway cannot exceed 12% in any location.
6. The single retaining wall on either side of the driveway will not exceed 4'-0" in height and shall be constructed of natural stacked stone.
7. The easement for the trail/walkway along Longview Drive shall not be disturbed, impacted, or altered in any way.
8. The final plat (mylar) is subject to review may require additional notes and corrections.
9. The exact language of the plat notes shall be finalized by the Town Attorney, Town Planner and Town Engineer as necessary to implement these conditions of approval and applicable provisions of the Hideout Municipal Code or State Code prior to Mylar signatures by the Town.
10. The HOA must sign the plat as an owner since the change is being made to and/or impacting common area(s).

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon publication.

PASSED AND ADOPTED this 13th day of October, 2022

TOWN OF HIDEOUT

Phil Rubin, Mayor

ATTEST:

Alicia Fairbourne, Town Clerk

Exhibit

Exhibit A – Proposed Subdivision Plat for Hideout Canyon Amended Phase 1 Pod 9

[illegible]



Staff Review of Proposed Subdivision Amendment for Town Council

To: Mayor Philip Rubin
Hideout Town Council

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

Re: Hideout Canyon Phase 1 – Lot 37 Amendment to Residential Subdivision

Date: April 10, 2022

Submittals: The Applicant submitted the following plans:

- Subdivision Amendment Application dated 12 October 2021
 - Undated and Unsigned Subdivision Plat (submitted 26 January 2022)
-

Overview of Current Site Conditions

Site Area: Lot Size is 4,225 SF (plus common space surrounding)

Zoning: Residential Specially Planned Area (RSPA) and within a Residential Medium Density (RMD) Density Pod

Required Setbacks: Front: 20'
Rear: 20'
Side (distance between buildings): 10' minimum

Max Height: 42' maximum (3 ½ stories)

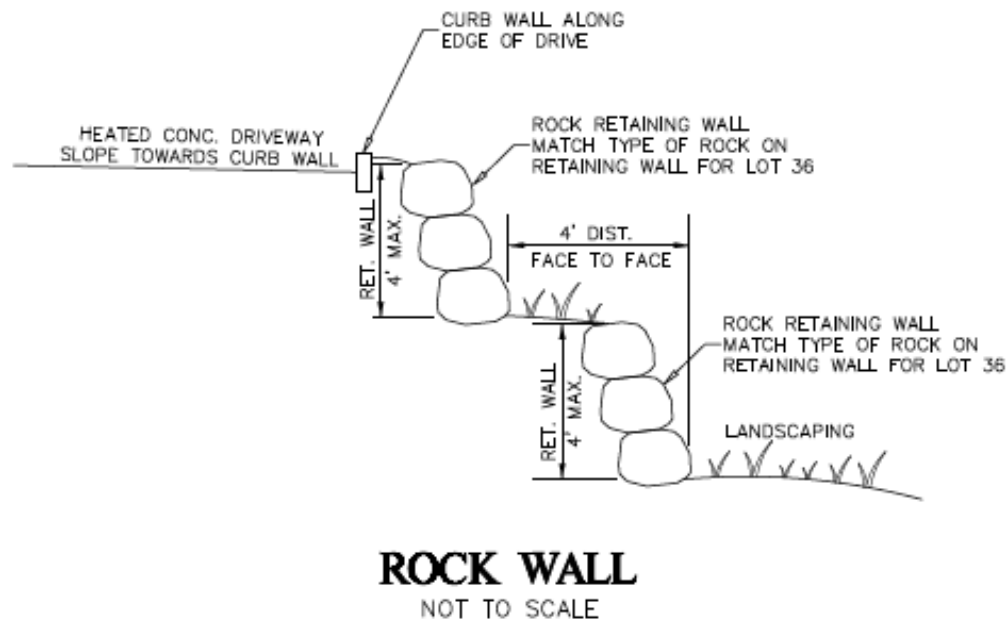
Planning Overview

The Applicant is proposing to change a driveway location for Lot 37 in the Hideout Canyon Subdivision (901 East Longview Drive). The existing driveway location (limited common designation) is a single driveway layout for two houses; this house and the one next door to the north. The owner desires to have a driveway that is not shared and is recommending the proposed driveway configuration illustrated by hatching on the attached plat. The Planning



Commission reviewed the issues associated with this application and recommended the following conditions attached to an approval for the proposed Subdivision Amendment:

1. If the proposed driveway amendment is approved, the two driveways shall be completely independent - the two driveways should be completely separated (no physical connections). The plat shall be revised to show space between the two driveway easements (a strip of 'common' land, not 'limited common' with cross hatching).
2. The Applicant provided a topo map (attached) with existing grading. The Applicant noted that final grading would likely result in retaining walls approximately 4'-0" high for the back-out area. Town Code does not allow for a single retaining wall higher than 6'-0" or a terraced retaining wall greater than 10'-0". The sample 8'-0" terraced retaining wall is below (Applicant to confirm maximum height at the meeting):



3. The back-out area originally proposed for Lot 37 was quite close to Longview Drive and has been removed.



4. The Applicant indicated the driveway to the north (north end of the existing shared driveway) is approximately 79'-0" from this proposed driveway connection to Longview Road. This should be confirmed at the meeting.
5. Any approval by the Town must be reviewed and approved by the HOA Design Review Committee.

Neighbor's Input

At the November Planning Commission meeting, the Commissioners requested confirmation from the adjacent neighbor (to the north) that he/she was aware of what was being proposed and had no objections. The following email was submitted by the Applicant:

From: Edwin Jordan <egj9343@gmail.com>
Sent: Wednesday, January 12, 2022 7:11 AM
To: Nate Thompson <nate@cypressconsulting.net>
Subject: Re: Lot 37 Driveway plan

Hi Nate,

Thanks for sharing your plans for creating an individual driveway to your home. I am in agreement with your plans.

Thanks, Ed

On Jan 11, 2022, at 2:14 PM, Nate Thompson <nate@cypressconsulting.net> wrote:

Hi Ed,
 Thanks for the time on the phone and taking a look at the plans we've developed for the driveway of our property at Lot 37. As you know we're working with the City of Hideout to get a plat amendment to do an individual driveway to our home, similar to how you did yours, instead of a shared driveway. As discussed our plan is to have our retaining wall look like a natural extension of what's already there. If you can please respond to this email that you're in agreement with our plan that'd be great, and will allow us to share this with the City and move the plat amendment forward.
 Thanks very much,
 Nate Thompson
 <HIDEOUT-37-GRADING-111621.pdf>

Staff confirmed on the Wasatch County parcels map that Mr. Edwin Jordan is the owner of the lot north of the subject site (Lot 36).



Recommendation

The Planning Commission reviewed the proposed Subdivision Amendment to accommodate two driveways and favorably recommended the proposal to the Town Council with the conditions outlined in this report and those included in T-O's report (see attached).

Staff recommends the Town Council approve the Subdivision Amendment based on the Planning Commission's recommendation that all conditions in this Staff Report and those included in T-O's report are incorporated into the approval.



February 15, 2022

Mayor Philip Rubin
Town of Hideout
10860 No. Hideout Trail
Hideout, UT 84036

RE: Hideout Canyon Phase 1 - Lot 37 Plat Amendment Application Comments

Mayor Rubin,

The applicant is proposing to change a driveway location for Lot 37 in the Hideout Canyon Subdivision (910 East Longview Drive) from a driveway shared with Lot 36 to the north to its own stand-alone access to Longview Drive.

We wrote a letter dated November 17th 2021 with comments we had regarding the first set of plans they submitted. The applicant has since responded to and largely addressed those comments. We recommend approval with the following conditions:

Plat

- The new driveway easement should be labeled on the plat as limited common area.
- There should be a minimum of 3 ft of common area between the proposed driveway for Lot 37 and the existing driveway for Lot 36.

Grading Plan

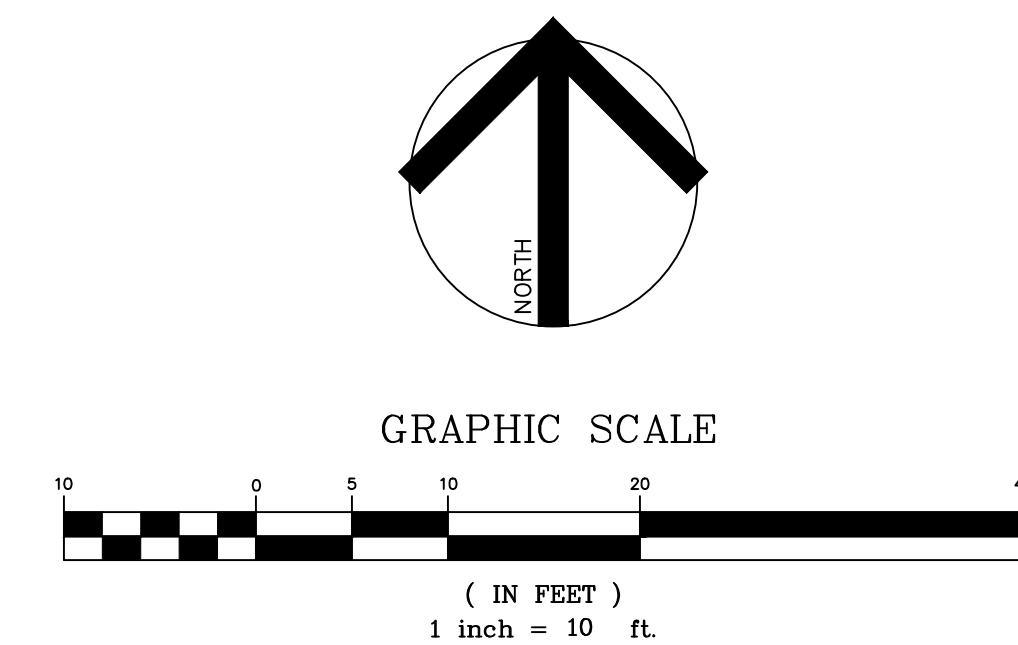
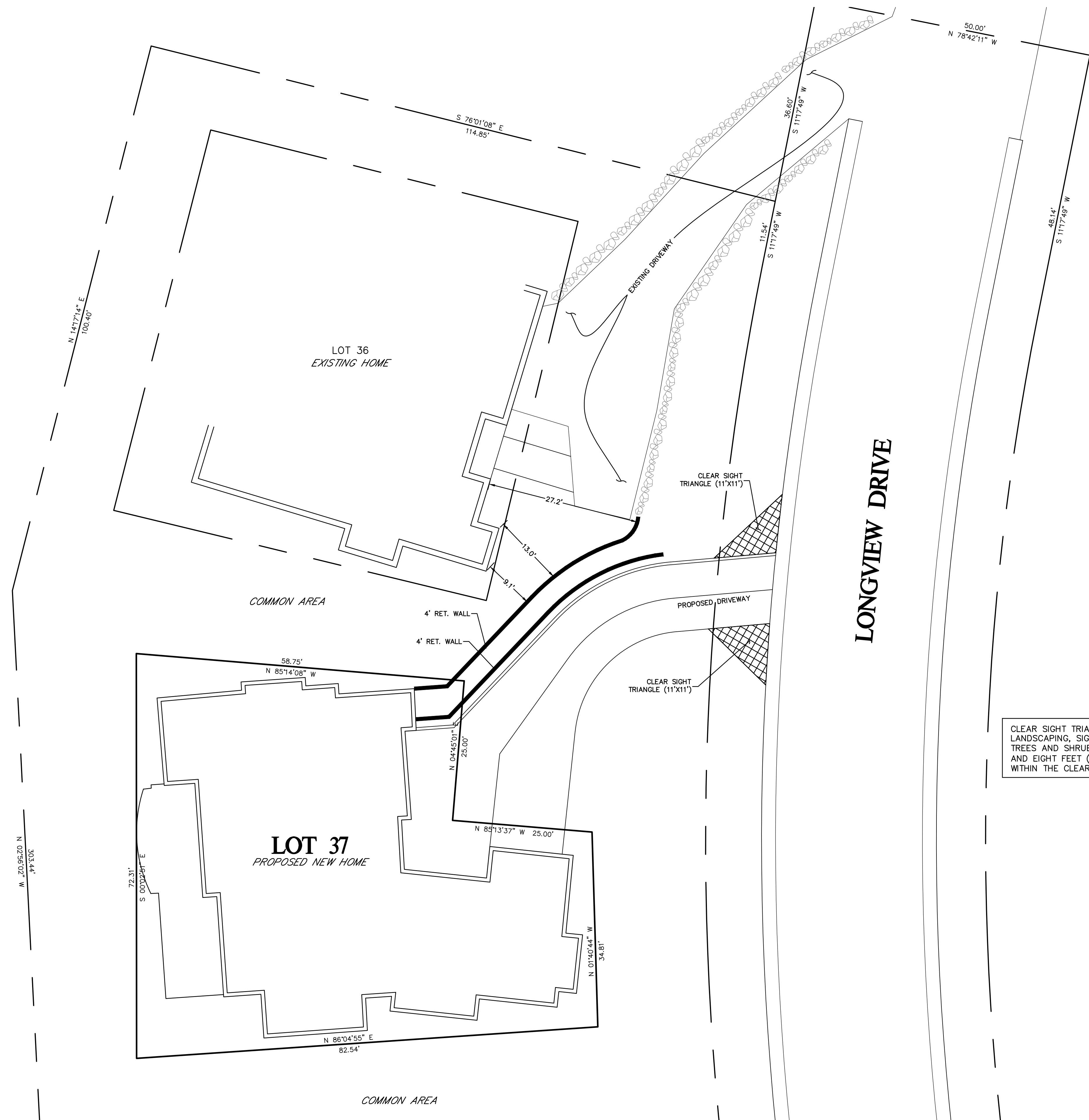
- The grading plan should label the retaining walls as having a *maximum* height of 4 ft.
- Please confirm and explain the choice of 11 ft x 11 ft for the clear sight triangle at the connection to Longview Drive.

Please let us know if you have any questions regarding our comments or assessment of this application.

Sincerely,
T-O Engineers

A handwritten signature in blue ink that reads 'G Ryan Taylor'.

Ryan Taylor, P.E.
Project Manager



**SIGHT DISTANCE EXHIBIT, LOT 37
HIDEOUT CANYON PHASE 1 AMENDED
AMENDING POD 9 RESIDENTIAL PLAT**

FOR: **GRAVITY CONSTRUCTION**

OWG: HIDEOUT-37-ROS

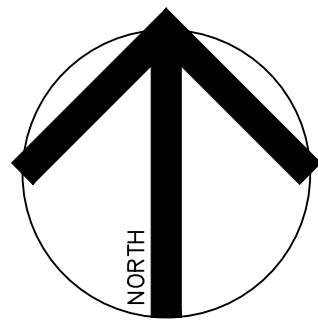
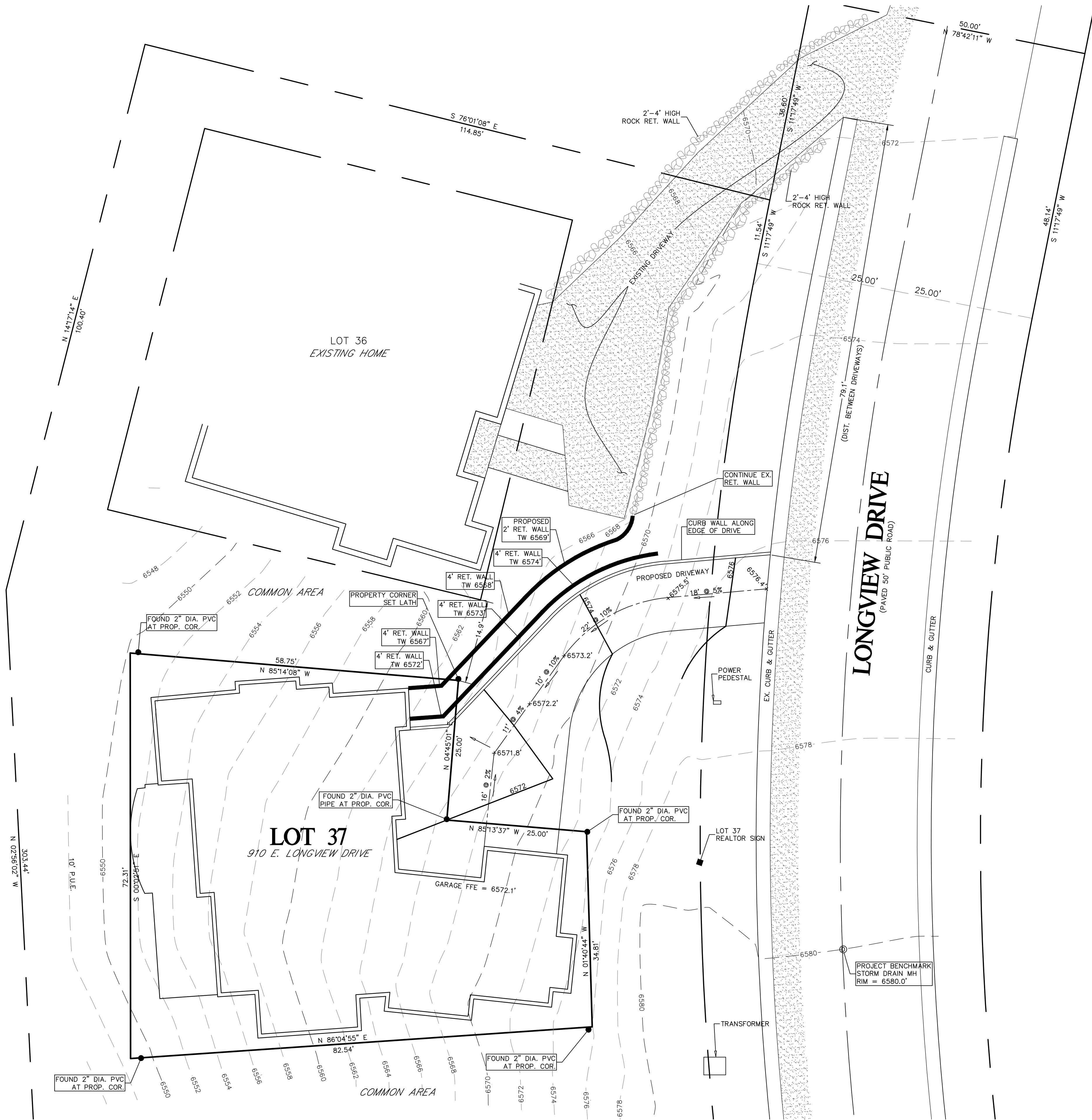
2108

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MD/ADM
DRAWN BY:
ADM
CHECKED BY:
ADM

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**Evergreen
Engineering, Inc.**

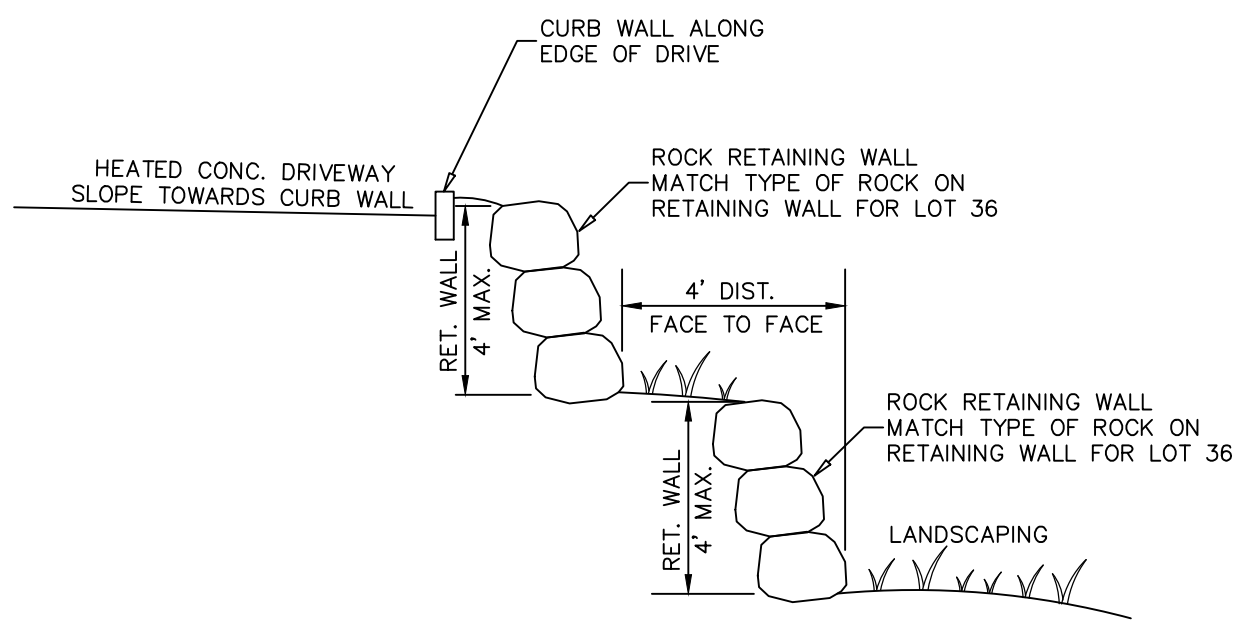
Civil Engineering * Land Surveying * Land Planning
1678 Sidwinder Dr., Suite C
P.O. Box 2861 * Park City * Utah * 84060
Phone: (801) 557-5482
E-mail: amoran@evergreen-eng.com



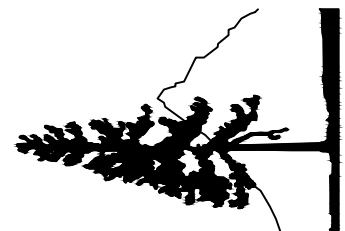
GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.



ROCK WALL
NOT TO SCALE



Evergreen Engineering, Inc.

Civil Engineering • Land Surveying • Land Planning
1678 S. Westwood Dr., Suite C • Utah • 84060
P.O. Box 286 • Park City • Utah • 84060
E-mail: info@evergreen-eng.com

REVISIONS		COMMENTS	
DATE	BY	DATE	BY

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SURVEYED BY:
MD/ADM
DRAWN BY:
ADM
CHECKED BY:
ADM

GRADING EXHIBIT, LOT 37
HIDEOUT CANYON PHASE 1 AMENDED
AMENDING POD 9 RESIDENTIAL PLAT

FOR: GRAVITY CONSTRUCTION

DWG: HIDEOUT-37-ROS

JOB NO. 2108

Resolution 2022-R-14

**AN RESOLUTION APPROVING A SUBDIVISION AMENDMENT FOR HIDEOUT CANYON
PHASE 1 (AMENDED POD 9) – LOT 37 AMENDMENT TO RESIDENTIAL SUBDIVISION
LOCATED IN HIDEOUT, UTAH**

WHEREAS, owners of the property known as Lot 37 in The Hideout Canyon (Amended Phase 1 Pod 9) Subdivision Plat, located in Hideout, Utah, have petitioned the Town Council for approval of a subdivision amendment; and

WHEREAS, legal notice of the public hearing was published on the Town of Hideout's website on February 7, 2022 for the Planning Commission meeting and March 17, 2022 for the Town Council meeting according to the requirements of the Hideout Municipal Code; and

WHEREAS, the Planning Commission held a public hearing on February 17, 2022 to receive input on the proposed subdivision amendment and forwarded a positive recommendation to the Town Council; and

WHEREAS, on March 29, 2022 the Town Council continued the public hearing to April 14, 2022 when the Town Council held a public hearing on the subdivision amendment; and

WHEREAS, it is in the best interest of Hideout, Utah to approve the proposed driveway reconfiguration in the Hideout Canyon Subdivision given that this subdivision amendment is intended to comply with the Hideout Municipal Code, the 2010 Master Development Agreement (MDA), and the Technical Reports prepared by the Town Staff as well as all other recorded agreements.

NOW, THEREFORE BE IT RESOLVED by the Town Council of Hideout, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The subdivision plats illustrating the revised driveway configuration (w/common and limited common space altered) as shown in Exhibit A is approved subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. Hideout Canyon Phase 1 (Amended Pod 9) Subdivision was recorded on April 2, 2008.
2. Hideout Canyon Phase 1 (Amended Pod 9) Subdivision was comprised of four (4) lots – Lots 36 – 39.
3. The property is located within the Town of Hideout along SR248, the east side about midway through Town.
4. Zoning for the property is RSPA – Resort Specially Planned Area.
5. The new driveway (limited common area) will provide for access to Lot 37 with the ingress/egress to Longview Road moved slightly to the south.
6. Lot 36 will have its own driveway; fully separated by common space between their driveway and the newly proposed driveway for Lot 37.
7. The driveway ingress/egress for Lot 37 off of Longview Drive is greater than 70'-0" from the driveway ingress/egress point for Lot 36 on Longview Drive.

8. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on March 11, 2010.
9. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.
10. No changes are proposed to the existing road alignment or uses associated with this plat.

Conclusions of Law

1. The subdivision amendment, as conditioned, complies with Hideout Municipal Code.
2. The subdivision amendment as conditioned, is consistent with the applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision amendment as conditioned.
4. Approval of the subdivision amendment, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Hideout.
5. If the Applicant requests an extension for the subdivision amendment, the Hideout Municipal Code requires that these submittals "satisfy[ies] any new Town requirements pertaining to the public health, safety and welfare."

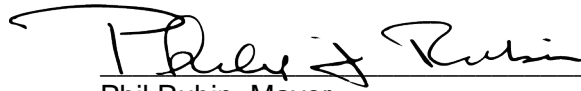
Conditions of Approval

1. The Town Attorney, Town Planner and Town Engineer will review and approve the final form and content of the subdivision amendment for compliance with State law, the Hideout Municipal Code, the Master Development Agreement and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision amendment at Wasatch County within six (6) months from the date of Town Council approval. If recordation has not occurred within six (6) months' time, this approval for the plat will be void unless a written request for an extension is submitted to the Town prior to the expiration date and the Town Council grants an extension.
3. Non-exclusive public utility easements shall be indicated on the plats prior to recordation as approved by the Town Engineer and consistent with the utility plan, including drainage easements.
4. The Applicant must adhere to all requirements of the Master HOA, including Design Review Committee (DRC) requirements.
5. The slope on the driveway cannot exceed 12% in any location.
6. The single retaining wall on either side of the driveway will not exceed 4'-0" in height and shall be constructed of natural stacked stone.
7. The easement for the trail/walkway along Longview Drive shall not be disturbed, impacted, or altered in any way.
8. The final plat (mylar) is subject to review may require additional notes and corrections.
9. The exact language of the plat notes shall be finalized by the Town Attorney, Town Planner and Town Engineer as necessary to implement these conditions of approval and applicable provisions of the Hideout Municipal Code or State Code prior to Mylar signatures by the Town.
10. The HOA must sign the plat as an owner since the change is being made to and/or impacting common area(s).

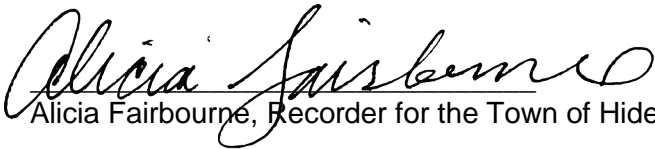
SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon publication.

PASSED AND ADOPTED this 13th day of October, 2022

TOWN OF HIDEOUT


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Recorder for the Town of Hideout



Exhibit

Exhibit A – Proposed Subdivision Plat for Hideout Canyon Amended Phase 1 Pod 9

[illegible]



Staff Report for Consideration of Adoption of a Dark Skies Ordinance

To: Mayor Phil Rubin
Town of Hideout Town Council

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

Re: Proposed Dark Skies Ordinance

Date: October 10, 2022

Enclosures: Dark Skies Ordinance and Enacting Ordinance

Background

The proposed Dark Skies ordinance was first initiated in Spring 2021 and has been updated and modified over the past year or so to reflect community input as well as direction based upon light meter readings taken in the winter of 2022 and the summer of 2022. The Council wanted to ensure an understanding of existing light conditions. In addition, the Council wanted to ensure the draft ordinance was posted on the Town's website and distributed to the management teams for the Town's HOAs.

Timing for Compliance

The Ordinance will go into effect for new construction and public works project immediately upon adoption by the Town Council – all new projects will be reviewed to ensure compliance with the new ordinance. Existing out-of-compliance light fixtures will have five years to become compliant.

Base Light Readings and Input

The attached maps were created using the light meter readings taken by Town Staff in Public Works in the winter and summer of 2022.

Readings are measured in Magnitudes per Square Arc Second (mpsas) – the international standard for light measurement. The range is from 7 (brightest) to 23 (darkest measurable light). 16 – 21 is the acceptable reading range with 16 being equivalent to standing under a streetlight and/or full moonlight.

Generally, most readings in Town ranged between 16 and 19 (mpsas), a desirable range. There were a few exceptions, particularly in winter when glare can contribute to light readings. There was some noticeable light spillover in the road from the Rustler Condominiums' under eave lighting. This was true under the eaves of Shoreline, Upside Drive and Town Hall as well.

Moving forward, Town Staff should coordinate to send out annual updates to HOA managers and residents and consider offering workshops relative to ensuring Dark Skies compliance.

10.16 DARK SKIES LIGHTING

10.16.02 PURPOSE

It is the purpose and intent of this code to balance the goals of the Town of Hideout, to maintain its small-town character with the need to limit glare and light trespass, reduce night sky glow, conserve energy, provide safe lighting practices, and promote Dark Skies initiatives, while protecting individual property rights.

1. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principal among these concerns are:
 - a. The degradation of the nighttime visual environment by production of unsightly and dangerous glare.
 - b. Lighting practices that interfere with the health and safety of Hideout's citizens and visitors.
 - c. Unnecessary waste of energy and resources in the production of too much light or wasted light.
 - d. Interference in the use or enjoyment of property which is not intended to be illuminated at night, and the loss of the scenic view of the night sky due to increased urban sky glow.
 - e. Protect the quality of the natural ecology in the area.
2. The concerns of safety, utility and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. In nearly all cases, careful attention to when, where and how much nighttime lighting is needed will lead to better lighting practices.
3. Accordingly, it is the intent of this code to require lighting practices and systems which will minimize or eliminate light pollution, glare, light trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity.
4. In support of dark skies, events may be held one or two times per year to educate our community both about the value of this effort as well as about the sky itself. These events will be coordinated by the town of Hideout and may include visiting speakers and the creation of a dark skies community club or committee. These efforts will allow the Town of Hideout to pursue certification as a Dark Skies Community with the International Dark Skies Association should the Town Council wish to pursue this certification.
5. Enforcement of this effort will be conducted by the enforcement officer under the direction of the mayor.

10.16.04 DEFINITIONS

Correlated color temperature (CCT): the temperature at which a blackbody emits radiant energy competent to evoke a color the same as that evoked by radiant energy from a given source (such as a lamp).

Dark sky fixture or fully shielded: any light fixture that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture are projected below a horizontal plane running through the lowest point of the shield.

Examples of Acceptable / Unacceptable Lighting Fixtures



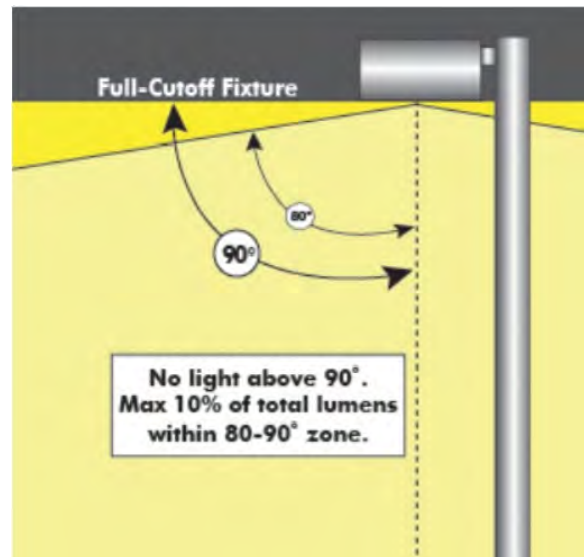
The lights on the left are non-conforming. Those on the right can be used in most cases. Depending on the mounting height and proximity to the property line, additional shielding may be necessary to prevent the luminous elements from being visible from any other property.

Dark sky shield: anything that is used to shield a light fixture so that it behaves as a fully shielded fixture. These include but are not limited to, for example, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves or shielded by other structures, objects or devices.

Electronic messenger system (EMS): electronic messenger system with scrolling messages.

Emergency lighting: lighting as required by civil officers, agents, utilities and officials to perform their duties to maintain the public health, safety and welfare.

Full Cut-off Fixtures: fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.



Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture controls glare by limiting the light output at 10 degrees below the horizontal.

Holiday lighting: temporary lighting for a specific celebration which may be one of the following types:

- Holiday lighting is permitted from December 1st – March 1st and must be turned off from midnight to 6am daily.
- Festoon type low-output lamps, limited to small individual bulbs on a string.
- Up lighting of wreaths and similar holiday items is permitted provided that individual lamps are less than 10 watts and 70 lumens.
- Low-output lamps (less than 50 watts and 750 lumens) used to internally illuminate yard art.
- Flood or spotlights producing less than 2000 lumens each whose light source is not visible from any other property.

Kelvin: relating to, conforming to, or having a thermometric scale on which the unit of measurement equals the Celsius degree and according to which absolute zero is equal to –273 degrees Celsius.

Light fixture: any device intended to produce outdoor illumination.

Light trespass: light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle driver's eyes, or upwards toward the sky.

Lumen: a unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

Major addition: enlargement of 25% or more of the buildings gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects after the enactment of this ordinance. The term also includes replacement of 25% or more of installed outdoor lighting.

Minor addition: enlargement of less than 25% of the buildings gross floor area, seating capacity or parking spaces, either with a single construction project or cumulative series of construction projects after the enactment of this ordinance. The term also includes replacement of less than 25% of installed outdoor lighting.

Motion sensor: any device that turns a light fixture on when it detects motion and off when motion stops or very shortly thereafter (5-10 minutes).

Nits (candela): the base unit of luminous intensity in the International System of Units that is equal to the luminous intensity in a given direction of a source which emits monochromatic radiation.

Switch: any device that can be manually controlled by a person to turn a light fixture on and off. For the purpose of this chapter, switches include motion sensors, but switches do not include light sensors or timers.

Temporary: refers to lighting as required by citizens to carry out legally approved activities for durations as specified in the permits for those activities. These include but are not limited to, for example, activities such as nighttime agricultural operations, construction work lighting, and seasonal decorations, but in no case for more than a period of 60 days without an exemption granted by the town of Hideout.

10.16.06 APPLICABILITY AND EXEMPTIONS

All exterior outdoor lighting installed after the effective date hereof in the town shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties is also prohibited.

1. Exemptions.
 - a. Temporary lighting for decoration/seasonal, theatrical, television, performance areas, and construction sites, except as allowed by permit at the discretion of the Town Council.
 - b. Town entrance lighting such as trees with strings of white lighting at the intersection of North Hideout Trail and SR248 and the trees within the traffic circle at the western terminus of North Hideout Trail.
 - c. Bistro lights (a.k.a. café lights, globe patio lights, etc.) that are generally unshielded lights on a string and typically positioned under a patio or porch roof or strung into a railing are permitted year-round subject to a 200-lumen maximum light output per bulb

(lumens/bulb) and with a color temperature of less than 3000 Kelvin. The maximum lumen output per location is 2000 lumens. These lights must always be turned off when not actively in use by the homeowner and must be turned off nightly between midnight and 6am.

- d. Underwater lighting in swimming pools and other water features.
- e. Lighting that is only used under emergency conditions.
- f. Lighting required by federal, state, county or city ordinances and regulations.
- g. Outdoor recreational facilities are exempt from lumen cap and shielding but must comply with 3,000 degrees Kelvin temperature requirement. Lights must be extinguished promptly after a sponsored event.

10.16.08 OUTDOOR LIGHTING STANDARDS.

1. Temperature of Lamps. Lamps shall not exceed a maximum correlated color temperature (CCT) of 3,000 degrees Kelvin.
2. Lamp and Shielding. All light fixtures are required to be fully shielded and installed so that the shielding complies with the definition of a fully shielded light fixture.
3. Light Trespass Standard. All light fixtures, including motion sensing fixtures and security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source, including any public or private street or road.
4. Signs:
 - a. Front Lit: Any light with the intention to illuminate a sign must be oriented from the top and shine down.
 - b. Back Lit:
 - I. The sign design may not contain any more than 10 percent white, including lettering.
 - II. Transparent or clear materials are not allowed.
 - III. Nonface portions of the sign (e.g., background and sides) shall be made of completely opaque material.
 - IV. Internal lights must not exceed 3,000 degrees Kelvin if greater than or equal to 1,500 lumens.
 - c. Neon: Any sign consisting of more than three feet of neon must be extinguished no more than four hours after sundown during daylight savings and six hours during regular mountain time.
 - d. Electronic:
 - I. EMS signs are for public safety purposes only and prohibited for private or commercial use.
 - II. Luminance levels for operation after sundown and until sunrise shall not exceed 100 nits (candela per square meter) as measured under conditions of a full white display.
 - III. Messages appearing on Electronic Messenger Systems (EMS) shall not be displayed for less than 30 seconds and require no longer than 0.25 seconds to transition from one message to another. Moving text is prohibited.
 - IV. The luminous surface area of an individual EMS shall not exceed 50 square feet.

- V. EMS signs shall not be placed within 1,500 feet (300 meters) of other off-premises changeable electronic variable message sign on the same side of the highway, regardless of face orientation.
 - VI. EMS signs shall not be placed within 1,500 feet (300 meters) of residential areas.
 - VII. The device owner or the permit holder shall continuously monitor signs 24 hours per day, including monitoring the reliability of hardware, software, network and other support infrastructure.
 - VIII. Signs shall contain a default mechanism so that in the event 10 percent or more of an EMS's LED emitters have failed, the sign will immediately revert to an unlit black screen and remain in such condition until the malfunction is corrected.
5. **Parking Lots:**
 - a. Spot or flood lighting of parking lots from a building or other structure is prohibited.
 - b. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed 20 feet. All post mounted parking lot lights shall be set back from property lines a distance that is determined appropriate by the planning commission.
 - c. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed 16 feet.
 - d. The lighting in commercial parking lots must be turned down by at least 75% of all light fixtures (or 75% of total light emitted) two (2) hours after closing time in the evening or from 10pm to 6am, whichever is the most restrictive.
 - e. All parking lot lighting shall use full cutoff fixtures.
 6. **Gas Station Canopies.** Gas station canopies may be illuminated, provided all light fixtures are mounted on the undersurface of the canopy, all light fixtures are full cutoff and diffusers are not visible from locations off the property. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.
 7. **Total Outdoor Light Output Standards – Commercial and Multifamily Uses.**
 - a. Total outdoor light output shall not exceed 15,000 lumens per net acre for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site.
 - b. Seasonal decorations are not counted toward this limit.
 8. **Total Outdoor Light Output Standards – Single-Family Residential Uses:**
 - a. Outdoor lighting for single-family residential uses is subject to a lumen per net acre cap of 10,000 lumens net.
 - b. Outdoor lighting for single-family residential uses is subject to the lamp fixture and shielding requirements.
 9. **Roadway/Streetlights.** Streetlights are allowable as recommended by the public works administrator or town council. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other negative impacts of artificial lighting. They shall not exceed 10,000 lumens per net acre. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 10. **New Public Lighting – Streetlights/Public Property and Rights-of-Way:**

- a. All new streetlights are allowed as recommended by public works administrator and town council. They will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. They shall not exceed 10,000 lumens per net acre. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - b. Public Property. Properties owned by Hideout such as parks and other community gathering spaces will adhere to all standards as indicated. They will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - c. Rights-of-Way. All rights-of-way will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - d. All new public lighting will be part of the planning and zoning process in which public buildings, public property and rights-of-way lighting is determined. This will be incorporated as part of the zoning process moving forward to ensure compliance with this chapter.
11. Prohibited Lighting:
- a. Up lighting to illuminate buildings, other structures or vegetation.
 - b. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including temporary holiday lighting.
 - c. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.
 - d. Searchlights, laser source lights or any similar high intensity light.
 - e. Except when used in window signage pursuant to subsection (10.16.06 (4.C) of this section, neon or luminous tube lighting, either when outdoor mounted or indoor mounted, if visible beyond the property boundaries.

10.16.10 LIGHTING CONTROL.

- 1. Light fixtures with motion sensors and/or timers are required to minimize the duration of nighttime lighting from midnight to 6 a.m.
- 2. Fully shielded fixtures are required where any lights, even those below 1,500 lumens, are mounted on structures or poles higher than the first level above ground level to protect the view of the night sky, minimize ground reflection, and reduce light scatter beyond the property line.
- 3. Statuary and flags shall be lit from above to minimize sky glow.

10.16.12 IMPLEMENTATION.

- 1. New Uses, Buildings and Major Additions or Modifications: All building permit applications must include an outdoor lighting plan which includes the following information:
 - a. The location of all existing and proposed light fixtures (may be included on site plan).
 - b. Specification sheets for all existing and proposed light fixtures.
 - c. Acknowledgement that the Applicant has received notification of this Article.
 - d. Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this code section shall occur during the final electrical inspection done by the towns designated building inspector.

2. Minor Additions or modifications: If the work requires a permit than the procedures shall be the same as for a Major addition.
3. New Lighting. Any new lighting on the site shall meet the requirements of this code with regard to shielding and lamp type; the total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this code, whichever is larger.
4. Resumption of Use after Abandonment. If a property or use with nonconforming lighting is abandoned, then all outdoor lighting shall be reviewed and brought into compliance with this code before the use is resumed.
5. Existing Lighting: On or before five years, all outdoor lighting shall comply with this code. This may be done through replacement or retrofitting.
6. Public Roadways:
 - a. In general, this code does not apply to county and state rights-of-way. However, all new streetlights on such roadways or rights-of-ways must be fully shielded.

10.16.14 ENFORCEMENT AND PENALTIES.

All code, including lighting code, requires enforcement. Lighting code enforcement is essential to achieving a sustained reduction of light pollution and conservation of the night sky.

1. The penalty for violation of any portion of this chapter shall be:
 - a. First Notice. A notice to the property owner requesting compliance within three months.
 - b. Second Notice. If after three months the violation exists a notice will be given to appear before the Hideout Town Council to discuss options to come into compliance.
 - c. Third Notice. If after six months a violation of the provisions of this chapter shall be an infraction punishable by penalties up to \$1,000 per day per residential/commercial unit.
2. Violations regarding 10.16.10 lighting control (not withstanding 10.16.14.1) :
 - a. First notice. A notice to the property owner requesting compliance within 72 hours.
 - b. Second notice. If after 72 hours a violation of this light control shall be an infraction punishable by penalties up to \$50 per day until compliance.

10.16.16 CONFLICTS.

Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law. If any provision of the Hideout Town Code should conflict with the provisions of this chapter, this chapter shall supersede and be the controlling and enforceable provision.

ORDINANCE #2022 – O – _____

ORDINANCE ENACTING TITLE 10 CHAPTER 16 “DARK SKIES LIGHTING”

WHEREAS, the Town of Hideout (“Town”) has authority to regulate land use to include building and lighting regulations to provide for the safety, security and/or convenience of residents and visitors.

WHEREAS, ambient and direct lighting can seriously and adversely affect the natural environment by disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment.

WHEREAS, the Council desires to promote the following:

- a. Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
- b. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- c. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
- d. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
- e. Conserve energy and resources to the greatest extent possible.

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

SECTION I: Title 10 Chapter 16 in hereby enacted as written in Exhibit A.

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

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 11th day of August in the year 2022.

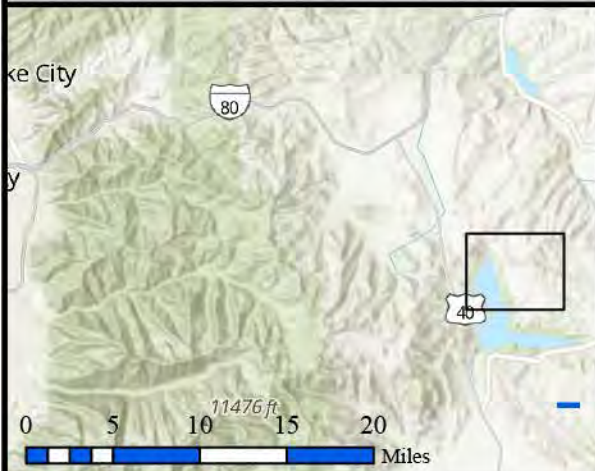
TOWN OF HIDEOUT

Phil Rubin, Mayor

ATTEST:

Alicia Fairbourne, Town Clerk

Hideout Town Boundaries and Streets



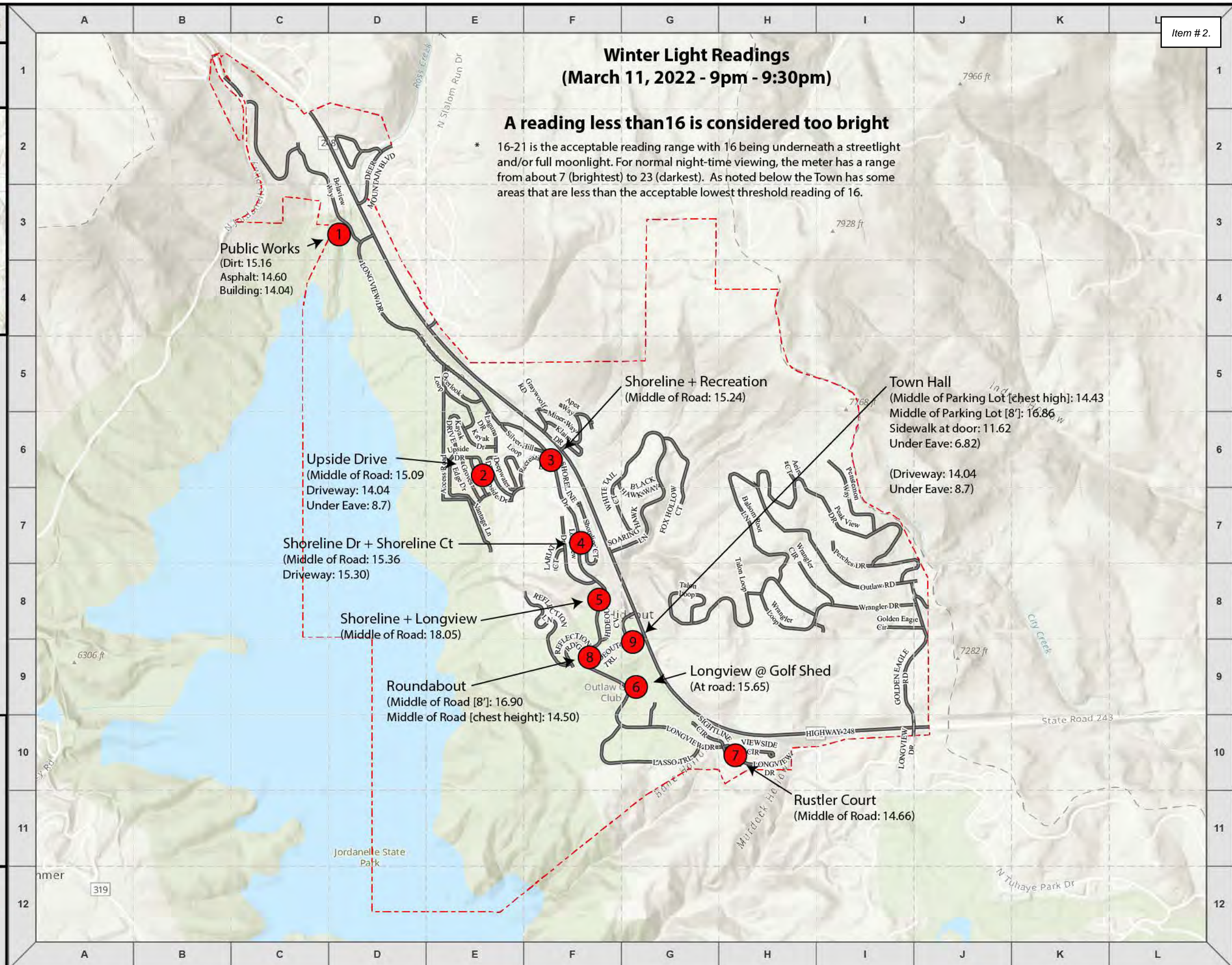
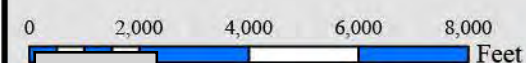
Disclaimer:

1. The boundaries displayed in this map are approximate, and are not survey grade.

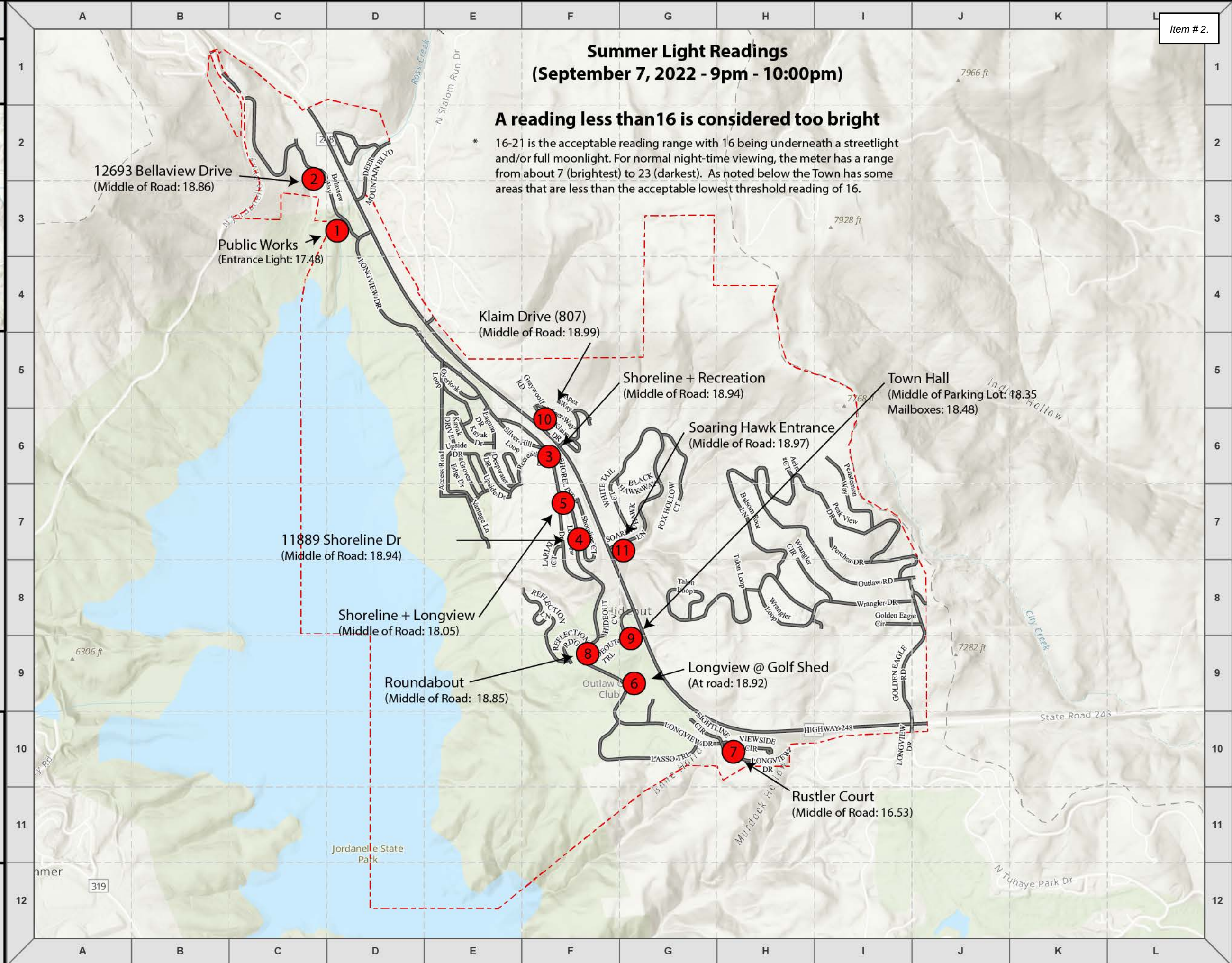
== Roads

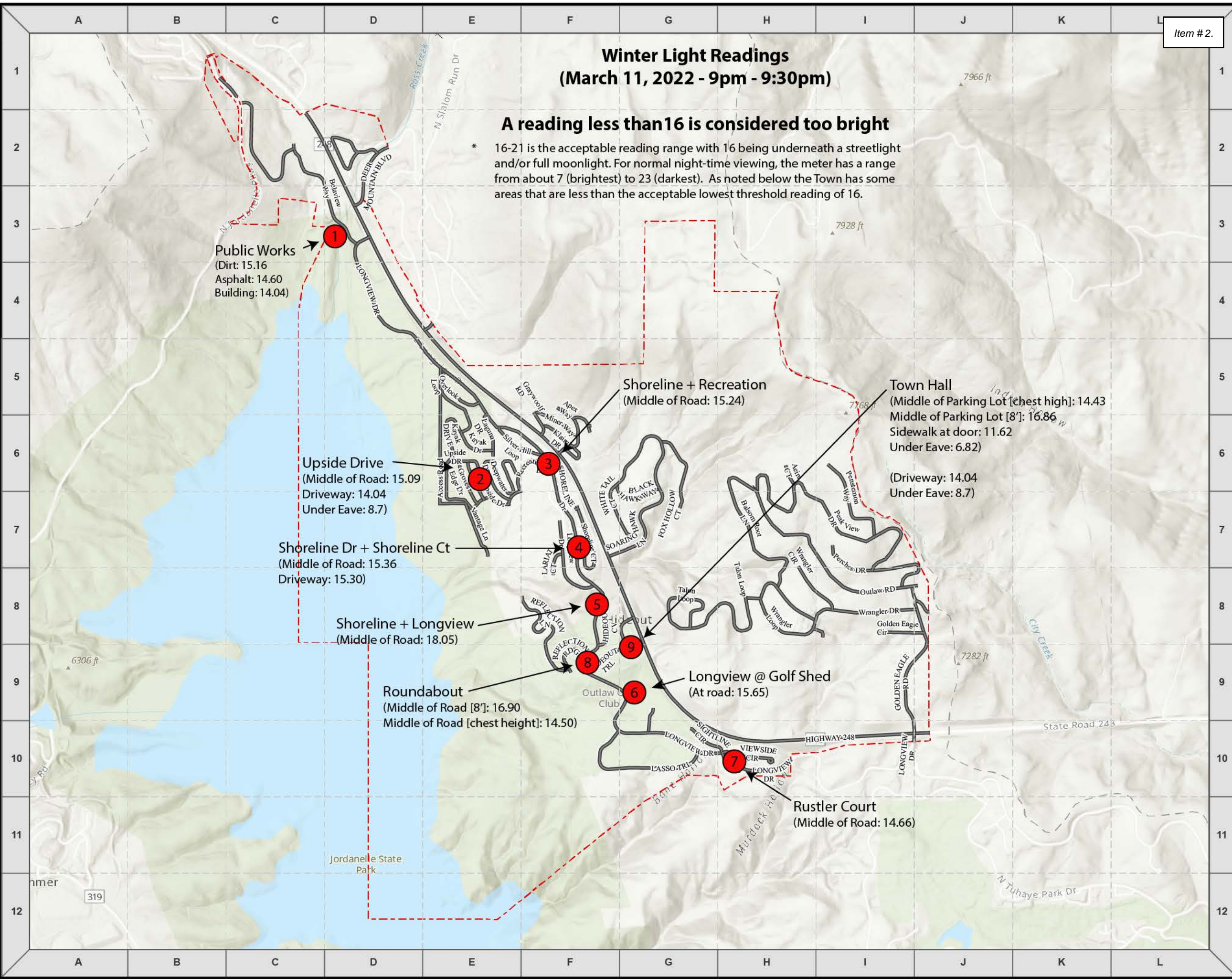
Hideout City Limits

Date Printed: March 16, 2022



Rustler Court
(Middle of Road: 16.53)





From: Redacted
To: Redacted
Subject: Public Comment for Dark Sky Ordinance
Date: Saturday, August 13, 2022 12:09:50 PM

Hi Hideout Town Council,

I want to express my disapproval for the Dark Sky Ordinance. Having watched its evolution over the last few years, I appreciate the consideration and thoughtfulness that's gone into it, and I broadly share the goals of the Dark Sky organization. But:

(a) I continue to think that *the town* should not be regulating things like this. I regard it as an inappropriate coercive intrusion, and I do not want Hideout to become a nanny-state municipality. We purchased our property in Hideout to escape California's subjective overregulation and overreaching local and state governance. It's alarming to us to see Hideout moving in the same direction.

If this is important to residents, their associated HOAs can and should voluntarily adopt such requirements themselves. Hideout is extremely fortunate to have the vast majority of the land unified by only a handful of HOAs, making these kinds of voluntary, broadly-applicable arrangements possible. I understand that many (rightly) regard the CPA HOA as worse than useless, but in my view that is not a valid justification for blurring the lines between what a local government, which involuntarily operates with force by its nature, and an HOA should be doing.

(b) Having read the probably-final ordinance now, while I appreciate the intentions of Council/staff to accommodate many of the circumstances that require exceptions or nuance (part of why this has taken years), the end result is that this ordinance is a labyrinth of impractical, over-specified complexity. There will be valid exceptions and use cases that have not been contemplated yet, and it is a tragedy for residents to be legally barred from enjoying those use cases until and unless the Council gets around to amending the code. Town staff have repeatedly said that the code is "living," and that if they don't get it right they can improve it over time. Respectfully, I think this is an irresponsible point of view to have when making law. Laws are not suggestions, and the consequences and anxiety of being found to be in violation are grave for residents.

Further, I do not think it is possible that a resident who is seeing this ordinance for the first time will be able to make sense of it, let alone know whether they are in compliance with it, or will continue to be in compliance with it as they make changes to their home. The burden the town is taking on with enforcement and education here should not be underestimated.

(c) Given that the Town has extremely limited resources—this year you raised the tax rate by 25+% to accommodate an expansion of scope and duties—I regret that my tax dollars, especially additional tax dollars, will end up funding this kind of project. Regardless of my principled objections above about your role as a local government, I don't think Hideout does not have have the financial security to take on this kind of obligation.

Please don't take any of my feedback personally. I respect each of the council members and staff greatly, and am appreciate of much of the work you have all done. But I am increasingly frustrated and disappointed when I see how intrusive this tiny government seems to be interested in becoming.

Best,

Brian Amerige

Redacted Ln, Hideout

ORDINANCE #2022 – O –06

ORDINANCE ENACTING TITLE 10 CHAPTER 16 “DARK SKIES LIGHTING”

WHEREAS, the Town of Hideout (“Town”) has authority to regulate land use to include building and lighting regulations to provide for the safety, security and/or convenience of residents and visitors.

WHEREAS, ambient and direct lighting can seriously and adversely affect the natural environment by disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment.

WHEREAS, the Council desires to promote the following:

- a. Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
- b. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- c. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
- d. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
- e. Conserve energy and resources to the greatest extent possible.

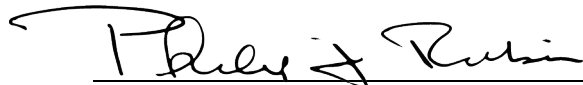
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF HIDEOUT, UTAH, THAT:

SECTION I: Title 10 Chapter 16 in hereby enacted as written in Exhibit A.

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

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 13th day of October in the year 2022.

TOWN OF HIDEOUT


 Phil Rubin, Mayor

ATTEST:


 Alicia Fairbourne, Recorder for the Town of Hideout



10.16 DARK SKIES LIGHTING

10.16.02 PURPOSE

It is the purpose and intent of this code to balance the goals of the Town of Hideout, to maintain its small-town character with the need to limit glare and light trespass, reduce night sky glow, conserve energy, provide safe lighting practices, and promote Dark Skies initiatives, while protecting individual property rights.

1. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principal among these concerns are:
 - a. The degradation of the nighttime visual environment by production of unsightly and dangerous glare.
 - b. Lighting practices that interfere with the health and safety of Hideout's citizens and visitors.
 - c. Unnecessary waste of energy and resources in the production of too much light or wasted light.
 - d. Interference in the use or enjoyment of property which is not intended to be illuminated at night, and the loss of the scenic view of the night sky due to increased urban sky glow.
 - e. Protect the quality of the natural ecology in the area.
2. The concerns of safety, utility and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. In nearly all cases, careful attention to when, where and how much nighttime lighting is needed will lead to better lighting practices.
3. Accordingly, it is the intent of this code to require lighting practices and systems which will minimize or eliminate light pollution, glare, light trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity.
4. In support of dark skies, events may be held one or two times per year to educate our community both about the value of this effort as well as about the sky itself. These events will be coordinated by the town of Hideout and may include visiting speakers and the creation of a dark skies community club or committee. These efforts will allow the Town of Hideout to pursue certification as a Dark Skies Community with the International Dark Skies Association should the Town Council wish to pursue this certification.
5. Enforcement of this effort will be conducted by the enforcement officer under the direction of the mayor.

10.16.04 DEFINITIONS

Correlated color temperature (CCT): the temperature at which a blackbody emits radiant energy competent to evoke a color the same as that evoked by radiant energy from a given source (such as a lamp).

Dark sky fixture or fully shielded: any light fixture that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture are projected below a horizontal plane running through the lowest point of the shield.

Examples of Acceptable / Unacceptable Lighting Fixtures



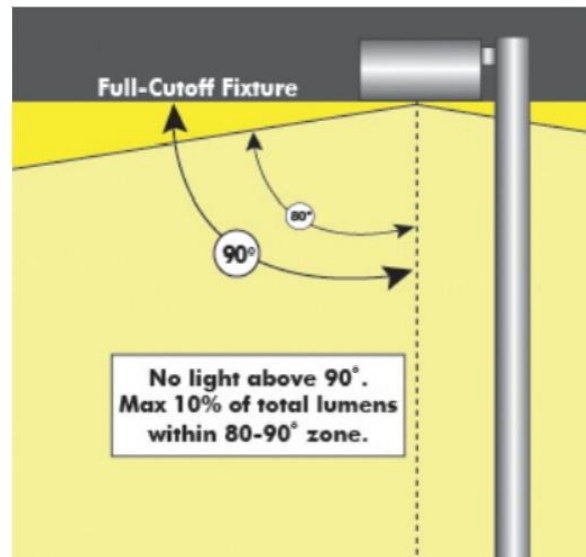
The lights on the left are non-conforming. Those on the right can be used in most cases. Depending on the mounting height and proximity to the property line, additional shielding may be necessary to prevent the luminous elements from being visible from any other property.

Dark sky shield: anything that is used to shield a light fixture so that it behaves as a fully shielded fixture. These include but are not limited to, for example, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves or shielded by other structures, objects or devices.

Electronic messenger system (EMS): electronic messenger system with scrolling messages.

Emergency lighting: lighting as required by civil officers, agents, utilities and officials to perform their duties to maintain the public health, safety and welfare.

Full Cut-off Fixtures: fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.



Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture controls glare by limiting the light output at 10 degrees below the horizontal.

Holiday lighting: temporary lighting for a specific celebration which may be one of the following types:

- Holiday lighting is permitted from December 1st – March 1st and must be turned off from midnight to 6am daily.
- Festoon type low-output lamps, limited to small individual bulbs on a string.
- Up lighting of wreaths and similar holiday items is permitted provided that individual lamps are less than 10 watts and 70 lumens.
- Low-output lamps (less than 50 watts and 750 lumens) used to internally illuminate yard art.
- Flood or spotlights producing less than 2000 lumens each whose light source is not visible from any other property.

Kelvin: relating to, conforming to, or having a thermometric scale on which the unit of measurement equals the Celsius degree and according to which absolute zero is equal to –273 degrees Celsius.

Light fixture: any device intended to produce outdoor illumination.

Light trespass: light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle driver's eyes, or upwards toward the sky.

Lumen: a unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

Major addition: enlargement of 25% or more of the buildings gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects after the enactment of this ordinance. The term also includes replacement of 25% or more of installed outdoor lighting.

Minor addition: enlargement of less than 25% of the buildings gross floor area, seating capacity or parking spaces, either with a single construction project or cumulative series of construction projects after the enactment of this ordinance. The term also includes replacement of less than 25% of installed outdoor lighting.

Motion sensor: any device that turns a light fixture on when it detects motion and off when motion stops or very shortly thereafter (5-10 minutes).

Nits (candela): the base unit of luminous intensity in the International System of Units that is equal to the luminous intensity in a given direction of a source which emits monochromatic radiation.

Switch: any device that can be manually controlled by a person to turn a light fixture on and off. For the purpose of this chapter, switches include motion sensors, but switches do not include light sensors or timers.

Temporary: refers to lighting as required by citizens to carry out legally approved activities for durations as specified in the permits for those activities. These include but are not limited to, for example, activities such as nighttime agricultural operations, construction work lighting, and seasonal decorations, but in no case for more than a period of 60 days without an exemption granted by the town of Hideout.

10.16.06 APPLICABILITY AND EXEMPTIONS

All exterior outdoor lighting installed after the effective date hereof in the town shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties is also prohibited.

1. Exemptions.
 - a. Temporary lighting for decoration/seasonal, theatrical, television, performance areas, and construction sites, except as allowed by permit at the discretion of the Town Council.
 - b. Town entrance lighting such as trees with strings of white lighting at the intersection of North Hideout Trail and SR248 and the trees within the traffic circle at the western terminus of North Hideout Trail.
 - c. Bistro lights (a.k.a. café lights, globe patio lights, etc.) that are generally unshielded lights on a string and typically positioned under a patio or porch roof or strung into a railing are permitted year-round subject to a 200-lumen maximum light output per bulb

(lumens/bulb) and with a color temperature of less than 3000 Kelvin. The maximum lumen output per location is 2000 lumens. These lights must always be turned off when not actively in use by the homeowner and must be turned off nightly between midnight and 6am.

- d. Underwater lighting in swimming pools and other water features.
- e. Lighting that is only used under emergency conditions.
- f. Lighting required by federal, state, county or city ordinances and regulations.
- g. Outdoor recreational facilities are exempt from lumen cap and shielding but must comply with 3,000 degrees Kelvin temperature requirement. Lights must be extinguished promptly after a sponsored event.

10.16.08 OUTDOOR LIGHTING STANDARDS.

1. Temperature of Lamps. Lamps shall not exceed a maximum correlated color temperature (CCT) of 3,000 degrees Kelvin.
2. Lamp and Shielding. All light fixtures are required to be fully shielded and installed so that the shielding complies with the definition of a fully shielded light fixture.
3. Light Trespass Standard. All light fixtures, including motion sensing fixtures and security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source, including any public or private street or road.
4. Signs:
 - a. Front Lit: Any light with the intention to illuminate a sign must be oriented from the top and shine down.
 - b. Back Lit:
 - I. The sign design may not contain any more than 10 percent white, including lettering.
 - II. Transparent or clear materials are not allowed.
 - III. Nonface portions of the sign (e.g., background and sides) shall be made of completely opaque material.
 - IV. Internal lights must not exceed 3,000 degrees Kelvin if greater than or equal to 1,500 lumens.
 - c. Neon: Any sign consisting of more than three feet of neon must be extinguished no more than four hours after sundown during daylight savings and six hours during regular mountain time.
 - d. Electronic:
 - I. EMS signs are for public safety purposes only and prohibited for private or commercial use.
 - II. Luminance levels for operation after sundown and until sunrise shall not exceed 100 nits (candela per square meter) as measured under conditions of a full white display.
 - III. Messages appearing on Electronic Messenger Systems (EMS) shall not be displayed for less than 30 seconds and require no longer than 0.25 seconds to transition from one message to another. Moving text is prohibited.
 - IV. The luminous surface area of an individual EMS shall not exceed 50 square feet.

- V. EMS signs shall not be placed within 1,500 feet (300 meters) of other off-premises changeable electronic variable message sign on the same side of the highway, regardless of face orientation.
 - VI. EMS signs shall not be placed within 1,500 feet (300 meters) of residential areas.
 - VII. The device owner or the permit holder shall continuously monitor signs 24 hours per day, including monitoring the reliability of hardware, software, network and other support infrastructure.
 - VIII. Signs shall contain a default mechanism so that in the event 10 percent or more of an EMS's LED emitters have failed, the sign will immediately revert to an unlit black screen and remain in such condition until the malfunction is corrected.
5. **Parking Lots:**
 - a. Spot or flood lighting of parking lots from a building or other structure is prohibited.
 - b. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed 20 feet. All post mounted parking lot lights shall be set back from property lines a distance that is determined appropriate by the planning commission.
 - c. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed 16 feet.
 - d. The lighting in commercial parking lots must be turned down by at least 75% of all light fixtures (or 75% of total light emitted) two (2) hours after closing time in the evening or from 10pm to 6am, whichever is the most restrictive.
 - e. All parking lot lighting shall use full cutoff fixtures.
 6. **Gas Station Canopies.** Gas station canopies may be illuminated, provided all light fixtures are mounted on the undersurface of the canopy, all light fixtures are full cutoff and diffusers are not visible from locations off the property. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.
 7. **Total Outdoor Light Output Standards – Commercial and Multifamily Uses.**
 - a. Total outdoor light output shall not exceed 15,000 lumens per net acre for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site.
 - b. Seasonal decorations are not counted toward this limit.
 8. **Total Outdoor Light Output Standards – Single-Family Residential Uses:**
 - a. Outdoor lighting for single-family residential uses is subject to a lumen per net acre cap of 10,000 lumens net.
 - b. Outdoor lighting for single-family residential uses is subject to the lamp fixture and shielding requirements.
 9. **Roadway/Streetlights.** Streetlights are allowable as recommended by the public works administrator or town council. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other negative impacts of artificial lighting. They shall not exceed 10,000 lumens per net acre. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 10. **New Public Lighting – Streetlights/Public Property and Rights-of-Way:**

- a. All new streetlights are allowed as recommended by public works administrator and town council. They will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. They shall not exceed 10,000 lumens per net acre. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - b. Public Property. Properties owned by Hideout such as parks and other community gathering spaces will adhere to all standards as indicated. They will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - c. Rights-of-Way. All rights-of-way will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - d. All new public lighting will be part of the planning and zoning process in which public buildings, public property and rights-of-way lighting is determined. This will be incorporated as part of the zoning process moving forward to ensure compliance with this chapter.
11. Prohibited Lighting:
- a. Up lighting to illuminate buildings, other structures or vegetation.
 - b. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including temporary holiday lighting.
 - c. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.
 - d. Searchlights, laser source lights or any similar high intensity light.
 - e. Except when used in window signage pursuant to subsection (10.16.06 (4.C) of this section, neon or luminous tube lighting, either when outdoor mounted or indoor mounted, if visible beyond the property boundaries.

10.16.10 LIGHTING CONTROL.

- 1. Light fixtures with motion sensors and/or timers are required to minimize the duration of nighttime lighting from midnight to 6 a.m.
- 2. Fully shielded fixtures are required where any lights, even those below 1,500 lumens, are mounted on structures or poles higher than the first level above ground level to protect the view of the night sky, minimize ground reflection, and reduce light scatter beyond the property line.
- 3. Statuary and flags shall be lit from above to minimize sky glow.
- 4. Readings to ensure compliance are measured in Magnitudes per Square Arc Second (mpsas) – the international standard for light measurement. The range is from 7 (brightest) to 23 (darkest measurable light). 16 – 21 is the acceptable reading range. Light measurements to ensure compliance shall be measured by Town Staff at the front property line (at 6'-0" height) and readings must be greater than 16 mpsas.

10.16.12 IMPLEMENTATION.

- 1. New Uses, Buildings and Major Additions or Modifications: All building permit applications must include an outdoor lighting plan which includes the following information:
 - a. The location of all existing and proposed light fixtures (may be included on site plan).
 - b. Specification sheets for all existing and proposed light fixtures.

- c. Acknowledgement that the Applicant has received notification of this Article.
- d. Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this code section shall occur during the final electrical inspection done by the towns designated building inspector.
- 2. Minor Additions or modifications: If the work requires a permit than the procedures shall be the same as for a Major addition.
- 3. New Lighting. Any new lighting on the site shall meet the requirements of this code with regard to shielding and lamp type; the total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this code, whichever is larger.
- 4. Resumption of Use after Abandonment. If a property or use with nonconforming lighting is abandoned, then all outdoor lighting shall be reviewed and brought into compliance with this code before the use is resumed.
- 5. Existing Lighting: On or before five years, all outdoor lighting shall comply with this code. This may be done through replacement or retrofitting.
- 6. Public Roadways:
 - a. In general, this code does not apply to county and state rights-of-way. However, all new streetlights on such roadways or rights-of-ways must be fully shielded.

10.16.14 ENFORCEMENT AND PENALTIES.

All code, including lighting code, requires enforcement. Lighting code enforcement is essential to achieving a sustained reduction of light pollution and conservation of the night sky.

- 1. The penalty for violation of any portion of this chapter shall be:
 - a. First Notice. A notice to the property owner requesting compliance within three months.
 - b. Second Notice. If after three months the violation exists a notice will be given to appear before the Hideout Town Council to discuss options to come into compliance.
 - c. Third Notice. If after six months a violation of the provisions of this chapter shall be an infraction punishable by penalties up to \$1,000 per day per residential/commercial unit.
- 2. Violations regarding 10.16.10 lighting control (not withstanding 10.16.14.1) :
 - a. First notice. A notice to the property owner requesting compliance within 72 hours.
 - b. Second notice. If after 72 hours a violation of this light control shall be an infraction punishable by penalties up to \$50 per day until compliance.

10.16.16 CONFLICTS.

Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law. If any provision of the Hideout Town Code should conflict with the provisions of this chapter, this chapter shall supersede and be the controlling and enforceable provision.



10420 N. Jordanelle Blvd. Heber City, UT 84032
435-940-9636

International Wildland Urban Interface Code

DEFENSIBLE SPACE

603.1 Objective. Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a *defensible space*.

Development and maintenance of a defensible space are critical to the survivability of a structure during a wildland fire. The defensible space is an area where the natural vegetation is modified either through thinning and maintenance or removal. The removal does not necessarily mean it is bare dirt. An asphalt or gravel driveway creates a space that is usable, but also creates a buffer to the wildfire as it approaches the structure. A similar buffer can be created by mowing or removing some of the vegetation.

603.2 Fuel modification. Buildings or structures, constructed in compliance with the conforming *defensible space* category of Table 503.1, shall comply with the *fuel modification* distances contained in Table 603.2. For all other purposes the fuel modification distance shall be not less than 30 feet (9144 mm) or to the lot line, whichever is less. Distances specified in Table 603.2 shall be measured on a horizontal plane from the perimeter or projection of the building or structure as shown in Figure 603.2. Distances specified in Table 603.2 are allowed to be increased by the *code official* because of a site-specific analysis based on local conditions and the *fire protection plan*.

The intent of fuel modification is to create a defensible space so that an approaching wildland fire cannot easily move through the defensible space and ignite the structure. The defensible space also provides fire fighters an area to set up hose lines between the structure and the approaching fire. A continuous path of fuel will carry the fire right up to the structure. Reducing the density of brush and undergrowth is necessary to reduce the intensity of the fire, reduce flame lengths and reduce radiant heat.

603.2.2 Trees. Trees are allowed within the *defensible space*, provided that the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet

It is not the intent for the defensible space to be void of vegetation; the vegetation must be thinned and maintained. Trees are allowed within the defensible space, but they are to be removed or trimmed to provide a clear separation of 10 feet from the tree crown to other trees and to the structure.

603.2.3 Ground cover. Deadwood and litter shall be regularly removed from trees. Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated *defensible space*, provided that they do not form a means of transmitting fire from the native growth to any structure.

Dead material is easily ignited. This would include any dead branches that have not yet fallen, pine needles, leaves and any other combustible material. These dead materials, even pine needles, can carry fire to a structure

604.1 General. Defensible spaces required by Section 603 shall be maintained in accordance with Section 604.

After a defensible space has been established in accordance with Section 603, it must then be maintained for the life of the building.

WASATCH FIRE DISTRICT

10420 N. Jordanelle Blvd. Heber City, UT 84032
435-940-9636

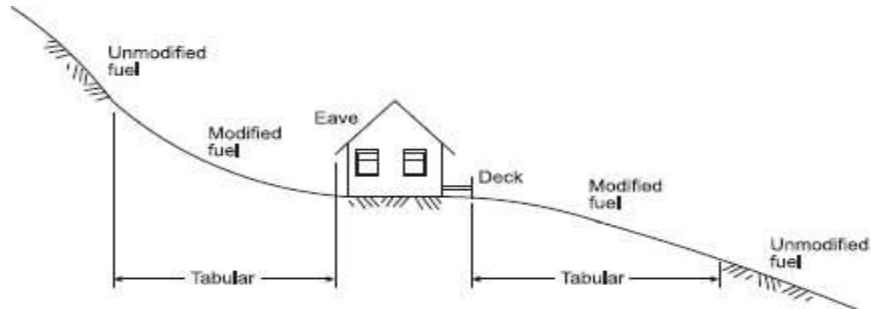
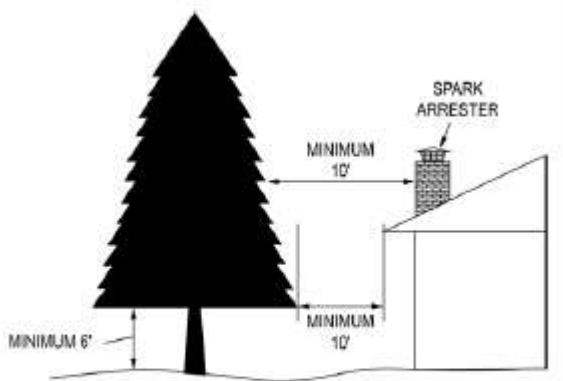


FIGURE 603.2
MEASUREMENTS OF FUEL MODIFICATION DISTANCE



Commentary Figure 603.2.2
10-FOOT SEPARATION BETWEEN TREE CROWNS AND STRUCTURES



Commentary Figure 604.4.1
TREES MUST BE TRIMMED AND MAINTAINED

TABLE 603.2
REQUIRED DEFENSIBLE SPACE

WILDLAND-URBAN INTERFACE AREA	FUEL MODIFICATION DISTANCE (feet) ^a
Moderate hazard	30
High hazard	50
Extreme hazard	100

For SI: 1 foot = 304.8 mm.

a. Distances are allowed to be increased due to site-specific analysis based on local conditions and the fire protection plan.

WASATCH FIRE DISTRICT

10420 N. Jordanelle Blvd. Heber City, UT 84032
435-940-9636

Ignition Resistant Construction

FIRE HAZARD SEVERITY

502.1 General. The fire hazard severity of building sites for buildings hereafter constructed, modified, or relocated into *wildland-urban interface areas* shall be established in accordance with Table 502.1. See also Appendix C.

❖ This section and the accompanying table classify the level of fire hazard based on the following criteria: These three criteria determine the fire hazard severity for the site. It should be noted that two properties, one on each side of the street, could result in different fire hazard severity because the slope is different, or vegetation is modified on one property and not the other. See Commentary Figure 502.1. Appendix C provides an alternative to the application of Table 502.1. If Appendix C is adopted, it replaces Table 502.1 with a slightly different methodology of classifying fire hazard severity. The decision to use Appendix C is up to each jurisdiction and, if desired, Appendix C must be specifically referenced in the adopting ordinance

- **CLASS 1 IGNITION-RESISTANT CONSTRUCTION**

504.1 General. Class 1 ignition-resistant construction shall be in accordance with Sections 504.2 through 504.11.

Section 504 establishes the provisions for Class 1 ignition-resistant construction and identifies the specific building components that must meet the ignition-resistance criteria specified in Section 503.2. Class 1 ignition-resistant construction is the highest level of fire protection required in the code. This level of protection is designed to withstand an onslaught of flame and embers presenting an extreme fire hazard.

- **CLASS 2 IGNITION-RESISTANT CONSTRUCTION**

505.1 General. Class 2 ignition-resistant construction shall be in accordance with Sections 505.2 through 505.11.

Section 505 establishes the provisions for Class 2 ignition-resistant construction and identifies the specific building components that must meet ignition-resistance criteria. Class 2 ignition-resistant construction is the next step down in the level of fire protection in the code. Class 2 ignition-resistant construction is designed to protect against a lesser magnitude of fire impact than Class 1 ignition-resistant construction. This level of protection is designed to withstand an onslaught of flame and embers presenting a high fire

- **CLASS 3 IGNITION-RESISTANT CONSTRUCTION**

506.1 General. Class 3 ignition-resistant construction shall be in accordance with Sections 506.2 through 506.4.

Section 506 establishes the provisions for Class 3 ignition-resistant construction and identifies the specific building components that must meet ignition-resistance criteria. Class 3 ignition-resistant construction is the minimum level of fire protection in the code. This level of protection is designed to withstand an onslaught of flame and embers presenting a moderate fire hazard.

Vegetation management plans shall be submitted to the *code official* for review and approval as part of the plans required for a permit.

For a vegetation management plan to be considered as a long-term improvement on the natural vegetative growth, it must be approved. The vegetation management plan is submitted to the code official for approval. This submittal must occur at the time the construction plans are submitted if it is intended to modify the fuel classification utilized in Table 502.1.

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Wildland-Urban Interface Code of Wasatch County, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises within the wildland-urban interface areas in this jurisdiction.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

101.3 Objective. The objective of this code is to establish minimum regulations consistent with nationally recognized good practice for the safeguarding of life and property. Regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

The unrestricted use of property in wildland-urban interface areas is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire in wildland-urban interface areas shall be in accordance with this code.

This code shall supplement the jurisdiction’s building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the wildland-urban interface areas.

101.4 Retroactivity. The provisions of the code shall only apply to conditions arising after the adoption thereof or conditions not legally in existence at the adoption of this code..

101.5 Additions or alterations.

Additions or alterations may be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided the addition or alteration conforms to that required for a new building or structure.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive. See Sections 601.1 and Appendix A.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or

structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

101.6 Maintenance. All buildings, structures, landscape materials, vegetation, defensible space or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

SECTION 102 AUTHORITY OF THE CODE OFFICIAL

102.1 Powers and duties of the code official. The code official is hereby authorized to administer and enforce this code, or designated sections thereof, and all ordinances of the jurisdiction pertaining to designated wildland-urban interface areas. For such purposes, the code official shall have the powers of a law enforcement officer.

102.2 Interpretations, rules and regulations. The code official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance to the intent and purpose of this code.

A copy of such rules and regulations shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public.

102.3 Liability of the code official. The code official charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because of such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction. The code enforcement agency or its parent jurisdiction shall not be held as assuming any liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

102.4 Other agencies. When requested to do so by the code official, other officials of this jurisdiction shall assist and cooperate with the code official in the discharge of the duties required by this code.

SECTION 103 COMPLIANCE ALTERNATIVES

103.1 Practical difficulties. When there are practical difficulties involved in carrying out the provisions of this code, the code official is authorized to grant modifications for individual cases on application in writing by the owner or a duly authorized representative. The code official shall first find that a special individual reason makes enforcement of the strict letter of this code impractical, the modification is in conformance to the intent and purpose of this code, and the modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered into the files of the code enforcement agency.

If the code official determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the vegetation control provisions of the code detrimental to safety or impractical, enforcement thereof may be suspended, provided that reasonable alternative measures are taken.

103.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the code official, the code official is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the code official and the owner and shall analyze the fire safety of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management for purposes of establishing fire hazard severity to recommend necessary changes.

103.3 Alternative materials or methods. The code official, in concurrence with approval from the building official and fire chief, is authorized to approve alternative materials or methods, provided that the code official finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the alternative is, for the purpose intended, at least equivalent to the level of quality, strength, effectiveness, fire resistance, durability and safety prescribed by this code. Approvals under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the International Building Code.

The code official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting

approval of an alternate shall be recorded and entered files of the code enforcement agency.

SECTION 104 APPEALS

104.1 General. To determine the suitability of alternative materials and methods and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment on pertinent matters. The code official, building official and fire chief shall be ex officio members, and the code official shall act as secretary of the board. The board of appeals shall be appointed by the legislative body and shall hold office at their discretion. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the code official, with a duplicate copy to the applicant.

104.2 Limitations of authority. The board of appeals shall not have authority relative to interpretation of the administrative provisions of this code and shall not have authority to waive requirements of this code.

SECTION 105 PERMITS

105.1 General. When not otherwise provided in the requirements of the building or fire code, permits are required in accordance with Section 105.

105.2 Permits required. Unless otherwise exempted, no building or structure regulated by this code shall be erected, constructed, altered, repaired, moved, removed, converted, demolished, or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the code official.

When required by the code official, a permit shall be obtained for the following activities, operations, practices or functions within an wildland-urban interface area:

1. Automobile wrecking yard.
2. Candles and open flames in assembly areas.
3. Explosives or blasting agents.
4. Fireworks.
5. Flammable or combustible liquids.
6. Hazardous materials.
7. Liquefied petroleum gases.
8. Lumberyards.
9. Motor vehicle fuel-dispensing stations.
10. Open burning.
11. Pyrotechnical special effects material.
12. Tents, canopies and temporary membrane structures.

13. Tire storage.
14. Welding and cutting operations.
15. Other activities as determined by the code official.

105.3 Work exempt from permit. Unless otherwise provided in the requirements of the International Building Code or International Fire Code, a permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²) and the structure is located more than 50 feet (15 240 mm) from the nearest adjacent structure.
2. Fences not over 6 feet (1829 mm) high. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

The code official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the code official.

105.4 Permit application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.
4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Section 106 of this code.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as may be required by the code official.

105.5 Permit approval. Before a permit is issued, the code official, or an authorized representative, shall review and approve all permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or

departments, a joint approval shall be obtained from all agencies or departments concerned.

105.6 Permit issuance. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the code official is allowed to issue a permit to the applicant.

When the code official issues the permit, the code official shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified or altered without authorization from the code official, and all work regulated by this code shall be done in accordance with the approved plans.

105.7 Validity of permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or conceal the provisions of this code or other ordinances of the jurisdiction shall not be valid.

105.8 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The code official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

105.9 Retention of permits. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the code official or other authorized representative.

105.10 Revocation of permits. Permits issued under this code may be suspended or revoked when it is determined by the code official that:

1. It is used by a person other than the person to whom the permit was issued.
2. It is used for a location other than that for which the permit was issued.
3. Any of the conditions or limitations set forth in the permit have been violated.

4. The permittee fails, refuses or neglects to comply with any order or notice duly served on him under the provisions of this code within the time provided therein.
5. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.
6. When the permit is issued in error or in violation of any other ordinance, regulations or provisions of this code.

The code official is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 106 PLANS AND SPECIFICATIONS

106.1 General. Plans, engineering calculations, diagrams and other data shall be submitted in at least two sets with each application for a permit. When such plans are not prepared by an architect or engineer, the code official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The code official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

Exception: Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

106.2 Information on plans and specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

106.3 Site plan. In addition to the requirements for plans in the International Building Code, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings, and site water supply systems.

106.4 Vegetation management plans. When utilized by the permit applicant pursuant to Section 502, vegetation management plans shall be prepared and shall be submitted to the code official for review and approval as part of the plans required for a permit. See Appendix B.

106.5 Fire protection plan. When required by the code official pursuant to Section 405, a fire protection plan shall be prepared and shall be submitted to the code official for review and approved as a part of the plans required for a permit.

106.6 Other data and substantiation. When required by the code official, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistive vegetation.

106.7 Vicinity plan. In addition to the requirements for site plans, plans shall include details regarding the vicinity within 300 feet (91 440 mm) of property lines, including other structures, slope, vegetation, fuel breaks, water supply systems and access roads.

106.8 Retention of plans. One set of approved plans, specifications and computations shall be retained by the code official for a period of not less than 90 days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building, use or work at all times during which the work authorized thereby is in progress.

SECTION 107 INSPECTION AND ENFORCEMENT

107.1 Inspection.

107.1.1 General. All construction or work for which a permit is required by this code shall be subject to inspection by the code official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the code official.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

A survey of the lot may be required by the code official to verify that the mitigation features are provided and the building or structure is located in accordance with the approved plans.

107.1.2 Authority to inspect. The code official shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the code official for the purpose of ascertaining and causing to be corrected any conditions that could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this code and of any other law or standard affecting fire safety.

107.1.3 Reinspections. To determine compliance with this code, the code official may cause a structure to be reinspected. A fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the code official.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. When reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

107.2 Enforcement.

107.2.1 Authorization to issue corrective orders and notices. When the code official finds any building or premises that are in violation of this code, the code official is authorized to issue corrective orders and notices.

107.2.2 Service of orders and notices. Orders and notices authorized or required by this code shall be given or served on the owner, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

107.3 Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or on any premises any condition that makes such building or premises unsafe, the code official is authorized to enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this code, provided that if such building or premises is occupied, the code official shall first present proper credentials and request entry; and if such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

If such entry is refused, the code official shall have recourse to every remedy provided by law to secure entry. Owners, occupants or any other persons having charge, care or control of any building or premises, shall, after proper request is made as herein provided, promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

107.4 Compliance with orders and notices.

107.4.1 General compliance. Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains.

If the building or premises is not occupied, such corrective orders or notices shall be complied with by the owner.

107.4.2 Compliance with tags. A building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section 107.4.1.

107.4.3 Removal and destruction of signs and tags.

A sign or tag posted or affixed by the code official shall not be mutilated, destroyed or removed without authorization by the code official.

107.4.4 Citations. Persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the code official shall be guilty of a misdemeanor.

107.4.5 Unsafe conditions. Buildings, structures or premises that constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes.

SECTION 108 CERTIFICATE OF COMPLETION

108.1 General. No building, structure or premises shall be used or occupied, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion therefor as provided herein. The certificate of occupancy shall not be issued until the certificate of completion indicating that the project is in compliance with this code has been issued by the code official.

108.2 Certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter, and the singular number includes the plural and the plural the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in other International Codes, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

ACCESSORY STRUCTURE. A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

APPROVED. Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

BRUSH, TALL. Arbor-like varieties of brush species and/or short varieties of broad-leaf trees that grow in compact groups or clumps. These groups or clumps reach heights of 4 to 20 feet. In Utah, this includes primary varieties of oak, maples, chokecherry, serviceberry, and mahogany, but may also include other species.

BRUSH, SHORT. Low growing species that reach heights of 1 to 3 feet. Sagebrush, snowberry, and rabbit brush are some varieties.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the International Building Code, or the building official's duly authorized representative.

CERTIFICATE OF COMPLETION. Written documentation that the project or work for which a permit was issued has been completed in conformance with requirements of this code.

CODE OFFICIAL. The official designated by the jurisdiction to interpret and enforce this code, or the code official's authorized representative.

DEFENSIBLE SPACE. An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

DRIVEWAY. A vehicular ingress and egress route that serves no more than two buildings or structures, not including accessory structures, or more than five dwelling units.

EXISTING PROPERTIES or EXISTING CONDITIONS. Existing properties, buildings, structures, or conditions are defined as properties that received building or landscape construction permits from the Town prior to enactment of the WUI Code.

This code will also apply to subsequent remodeling or relandscaping, which requires a permit, but will only apply to the area requiring a permit.

FIRE AREA. The floor area, in square feet (square meters), used to determine the adequate water supply.

FIRE CHIEF. The chief officer or the chief officer's authorized representative of the fire department serving the jurisdiction.

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for the wildland-urban interface area. It describes ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing impact on the community's fire protection delivery system.

FIRE WEATHER. Weather conditions favorable to the ignition and rapid spread of fire. In wildfires, this generally includes high temperatures combined with strong winds and low humidity.

FIRE & NONFIRE RESISTANT VEGETATION.

Plants that are fire-resistant generally have the following characteristics: Most deciduous trees and shrubs are fire-resistant.

- Leaves are moist and supple.
- Plants have little dead wood and tend not to accumulate dry dead material within the plant.
- Sap is water-like and does not have a strong odor.

Low volume of sap or resin materials. Plants that are nonfire-resistant generally have the following characteristics:

- Contain fine, dry, or dead material within the plant, such as twigs, needles, and leaves.
- Leaves, twigs, and stems contain volatile waxes, terpenes, or oils.
- Leaves are aromatic (strong odor when crushed).
- Sap is gummy, resinous, and has a strong odor.
- May have loose or papery bark.

FIRE-RESISTANCE-RATED CONSTRUCTION. The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the wildland-urban interface area.

FLAME SPREAD RATING. As used herein refers to rating obtained according to tests conducted as specified by a nationally recognized standard.

FUEL BREAK. An area, strategically located for fighting anticipated fires, where the native vegetation has been permanently modified or replaced so that fires burning into it can be more easily controlled. Fuel breaks divide fire-prone areas into smaller areas for easier fire control and to provide access for fire fighting.

FUEL, HEAVY. Vegetation consisting of round wood 3 inches (76 mm) or larger in diameter. The amount of fuel (vegetation) would be 6 tons per acre or greater.

FUEL, LIGHT. Vegetation consisting of round wood less than ¼ inch (6.4 mm) in diameter. The amount of fuel (vegetation) would be ½ ton to 2 tons per acre.

FUEL, MEDIUM. Vegetation consisting of round wood ¼ to 3 inches (6.4 mm to 76 mm) in diameter. The amount of fuel (vegetation) would be 2 to 6 tons per acre.

FUEL MODIFICATION. A method of modifying fuel load by reducing the amount of nonfire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

FUEL MOSAIC. A fuel modification system that provides for the creation of islands and irregular boundaries to reduce the visual and ecological impact of fuel modification.

FUEL-LOADING. The oven-dry weight of fuels in a given area, usually expressed in pounds per acre (lb/a) (kg/ha).

Fuel loading may be referenced to fuel size or timelag categories, and may include surface fuels or total fuels.

GREEN BELT. A fuel break designated for a use other than fire protection.

HAZARDOUS MATERIALS. As defined in the International Fire Code.

HEAVY TIMBER CONSTRUCTION. As described in the International Building Code.

LEGISLATIVE BODY. The governing body of the political jurisdiction administering this code.

LOG WALL CONSTRUCTION. A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is at least 6 inches (152 mm).

MULTILAYERED GLAZED PANELS. Window or door assemblies that consist of two or more independently glazed panels installed parallel to each other, having a sealed air gap in between, within a frame designed to fill completely the window or door opening in which the assembly is intended to be installed.

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to AS Item # 3. shall be considered noncombustible within the meaning of this section.

2. Material having a structural base of noncombustible material as defined in Item 1 above, with a surfacing material not over 1/8 inch (3.2 mm) thick, which has a flame spread rating of 50 or less. Flame spread rating as used herein refers to rating obtained according to tests conducted as specified in ASTM E 84.

“Noncombustible” does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances or other sources of high temperature shall refer to material conforming to Item

1. No material shall be classed as noncombustible that is subject to increase in combustibility or flame spread rating, beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

NONCOMBUSTIBLE ROOF COVERING. One of the following:

1. Cement shingles or sheets.
2. Exposed concrete slab roof.
3. Ferrous or copper shingles or sheets.
4. Slate shingles.
5. Clay or concrete roofing tile.
6. Approved roof covering of noncombustible material.

SLOPE. The variation of terrain from the horizontal; the number of feet (meters) rise or fall per 100 feet (30 480 mm) measured horizontally, expressed as a percentage.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some manner.

TREE CROWN. The primary and secondary branches growing out from the main stem, together with twigs and foliage.

UNENCLOSED ACCESSORY STRUCTURE. An accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

WILDFIRE. An uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

WILDLAND. An area in which development is essentially nonexistent, except for roads, railroads, power lines and similar facilities.

WILDLAND-URBAN INTERFACE. The line, area, or zone where structures or other human development (including critical infrastructure that if destroyed would result in hardship to communities) meet or intermingle with undeveloped wildland or vegetative fuel.

CHAPTER 3

WILDLAND-URBAN INTERFACE AREAS

SECTION 301

WILDLAND-URBAN INTERFACE AREA DESIGNATIONS

301.1 Declaration. The legislative body shall declare the wildland-urban interface areas within the jurisdiction. The wildland-urban interface areas shall be based on the maps created in accordance with section 302.

301.2 Mapping. In cooperation, the code official and the Division of Forestry, Fire and State Lands (FFSL) wildfire representative, will create or review Wildland-Urban Interface Area maps, to be recorded and filed with the clerk of the jurisdiction. These areas shall become effective immediately thereafter.

301.3 Review of wildland-urban interface areas. The code official and the FFSL wildfire representative shall reevaluate and recommend modification to the wildland-urban interface areas in accordance with Section 302.1 on a three-year basis or more frequently as deemed necessary by the legislative body.

CHAPTER 4 WILDLAND-URBAN INTERFACE AREA REQUIREMENTS

SECTION 401 GENERAL

401.1 Scope. Wildland-urban interface areas shall be provided with emergency vehicle access and water supply in accordance with this chapter.

401.2 Objective. The objective of this chapter is to establish the minimum requirements for emergency vehicle access and water supply for buildings and structures located in the wildland-urban interface areas.

401.3 General safety precautions. General safety precautions shall be in accordance with this chapter. See also Appendix A.

SECTION 402 APPLICABILITY

402.1 Subdivisions. Subdivisions shall comply with Sections 402.1.1 and 402.1.2.

402.1.1 Access. New subdivisions, as determined by this jurisdiction, shall be provided with fire apparatus access roads in accordance with the International Fire Code and access requirements in accordance with Section 403.

402.1.2 Water supply. New subdivisions as determined by this jurisdiction shall be provided with water supply in accordance with Section 404.

402.2 Individual structures. Individual structures shall comply with Sections 402.2.1 and 402.2.2.

402.2.1 Access.

Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access in accordance with the International Fire Code and driveways in accordance with Section 403.2. Marking of fire protection equipment shall be provided in accordance with Section 403.5 and address markers shall be provided in accordance with Section 403.6.

402.2.2 Water supply.

Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with Section 404.

Exceptions:

1. Structures constructed to meet the requirements for the class of ignition-resistant construction specified in Table 503.1 for a nonconforming water supply.
2. Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet (56 m²).

402.3 Existing conditions. Existing buildings shall be provided with address markers in accordance with Section 403.6. Existing roads and fire protection equipment shall be provided with markings in accordance with Sections 403.4 and 403.5, respectively.

SECTION 403 ACCESS

403.1 Restricted access. Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or fire-fighting purposes, the code official is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the code official and shall contain keys to gain necessary access as required by the code official.

403.2 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45 720 mm) from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 20 feet (3658 mm) and a minimum unobstructed height of 13 feet 6 inches (4115 mm). Driveways in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds.

A driveway shall not serve in excess of five dwelling units.

Driveway turnarounds shall have inside turning radii of not less than 30 feet (9144 mm) and outside turning radii of not less than 45 feet (13 716 mm). Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the code official.

403.3 Fire apparatus access road. When required, fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet (6096 mm) and a clear height of 13 feet 6 inches (4115 mm); shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicles to protect structures and wildlands within the jurisdiction.

403.4 Marking of roads. Approved signs or other approved notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof or both.

All road identification signs and supports shall be of noncombustible materials. Signs shall have minimum 4-inch-high (102 mm) reflective letters with ½ inch (12.7 mm) stroke on a contrasting 6-inch-high (152 mm) sign. Road identification signage shall be mounted at a height of 7 feet (2134 mm) from the road surface to the bottom of the sign.

403.5 Marking of fire protection equipment. Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the code official to prevent obstruction.

403.6 Address markers. All buildings shall have a permanently posted address, which shall be clearly visible from the driveway entrance at all times and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.

Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

403.7 Grade. The gradient for fire apparatus access roads and driveways shall not exceed the maximum approved by the code official. It will be up to the code official to ascertain the standard based on local fire equipment. The grade shall not exceed 12 percent.

SECTION 404 WATER SUPPLY

404.1 General. When provided in order to qualify as a conforming water supply for the purpose of Table 503.1, an approved water source shall have an adequate water supply for the use of the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the wildland-urban interface area of the jurisdiction in accordance with this section.

404.2 Water sources. The point at which a water source is available for use shall be located not more than 1,000 feet (305 m) from the building and be approved by the code official. The distance shall be measured along an unobstructed line of travel.

Water sources shall comply with the following:

1. Man-made water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with Section 404.5. This water source shall be equipped with an approved hydrant. The water level of the water source shall be maintained by rainfall, water pumped from a well, water hauled by a tanker, or by seasonal high water of a stream or river. The design, construction, location, water level maintenance, access, and access

maintenance of man-made water sources shall be approved by the code official.

2. Natural water sources shall have a minimum annual water level or flow sufficient to meet the adequate water supply needs in accordance with Section 404.5. This water level or flow shall not be rendered unusable because of freezing. This water source shall have an approved draft site with an approved hydrant. Adequate water flow and rights for access to the water source shall be ensured in a form acceptable to the code official.

404.3 Draft sites. Approved draft sites shall be provided at all natural water sources intended for use as fire protection for compliance with this code. The design, construction, location, access and access maintenance of draft sites shall be approved by the code official.

The pumper access point shall be either an emergency vehicle access area alongside a conforming access road or an approved driveway no longer than 150 feet (45 720 mm).

Pumper access points and access driveways shall be designed and constructed in accordance with all codes and ordinances enforced by this jurisdiction. Pumper access points shall not require the pumper apparatus to obstruct a road or driveway.

404.4 Hydrants. All hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the code official.

404.5 Adequate water supply. Adequate water supply shall be determined for purposes of initial attack and flame front control as follows:

1. One- and two-family dwellings. The required water supply for one- and two-family dwellings having a fire area that does not exceed 3,600 square feet (334 m²) shall be 1,000 gallons per minute (63.1 L/s) for a minimum duration of 30 minutes. The required water supply for one- and two-family dwellings having a fire area in excess of 3,600 square feet (334 m²) shall be 1,500 gallons per minute (95 L/s) for a minimum duration of two hours.

Exception: A reduction in required flow rate of 50 percent, as approved by the code official, is allowed when the building is provided with an approved automatic sprinkler system.

2. Buildings other than one- and two-family dwellings. The water supply required for buildings other than one- and two-family dwellings shall be as approved by the code official but shall not be less than 1,500 gallons per minute (95 L/s) for a duration of two hours.

Exception: A reduction in required flow rate of up to 75 percent, as approved by the code official, is allowed when the building is provided with an approved automatic sprinkler system. The resulting water supply shall not be less than 1,500 gallons per minute (94.6 L/s).

404.6 Fire department. The water system required by this code can only be considered conforming for purposes of determining the level of ignition-resistant construction. (See Table 503.1)

404.7 Obstructions. Access to all water sources required by this code shall be unobstructed at all times. The code official shall not be deterred or hindered from gaining immediate access to water source equipment, fire protection equipment or hydrants.

404.8 Identification. Water sources, draft sites, hydrants and fire protection equipment shall be clearly identified in a manner approved by the code official to identify location and to prevent obstruction by parking and other obstructions.

404.9 Testing and maintenance. Water sources, draft sites, hydrants and other fire protection equipment required by this code shall be subject to periodic tests as required by the fire code official. The fire code official shall establish a periodic testing schedule. Costs are to be covered by the water provider. All such equipment installed under the provisions of this code shall be maintained in an operative condition at all times and shall be repaired or replaced where defective. Additions, repairs, alterations and servicing of such fire protection equipment and resources shall be in accordance with approved standards. Mains and appurtenances shall be installed in accordance with R309 Environmental Quality, Drinking Water Rules of the State of Utah and with standards as established by the Wasatch County and its special service districts.

404.10 Reliability. Water supply reliability shall comply with Sections 404.10.1 through 404.10.3.

404.10.1 Objective. The objective of this section is to increase the reliability of water supplies by reducing the exposure of vegetative fuels to electrically powered systems.

404.10.2 Clearance of fuel. Defensible space shall be provided around water tank structures, water supply pumps and pump houses in accordance with Section 603.

404.10.3 Standby power. Stationary water supply facilities within the wildland-urban interface area dependent on electrical power supplied by power grid to meet adequate water supply demands shall provide functional standby power systems in accordance with the current "National Electrical Code" to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions:

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground or there is an onsite generator.

2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

SECTION 405 FIRE PROTECTION PLAN

405.1 Purpose. The plan is to provide a basis to determine overall compliance with this code, for determination of Ignition Resistant Construction (IRC) (see Table 503.1) and for determining the need for alternative material and methods.

405.2 General. When required by the code official, a fire protection plan shall be prepared.

405.3 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

405.4 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

405.5 Plan retention. The fire protection plan shall be retained by the code official.

CHAPTER 5 SPECIAL BUILDING CONSTRUCTION REGULATIONS

SECTION 501 GENERAL

501.1 Scope. Buildings and structures shall be constructed in accordance with the International Building Code and this code.

Exceptions:

1. Accessory structures not exceeding 120 square feet (11 m²) in floor area when located at least 50 feet (15 240 mm) from buildings containing habitable spaces.
2. Agricultural buildings at least 50 feet (15 240 mm) from buildings containing habitable spaces.

501.2 Objective. The objective of this chapter is to establish minimum standards to locate, design and construct buildings and structures or portions thereof for the protection of life and property, to resist damage from wildfires, and to mitigate building and structure fires from spreading to wildland fuels. The minimum standards set forth in this chapter vary with the critical fire weather, slope and fuel type to provide increased protection, above the requirements set forth in the International Building Code, from the various levels of hazards.

SECTION 502 FIRE HAZARD SEVERITY

502.1 General. The fire hazard severity of building sites for all buildings hereafter constructed, modified or relocated into wildland-urban interface areas shall be established in accordance with Appendix C.

502.2 Fire hazard severity reduction. The fire hazard severity is allowed to be reduced by implementing a vegetation management plan in accordance with Appendix B.

SECTION 503 IGNITION-RESISTANT CONSTRUCTION

503.1 General. Buildings and structures hereafter constructed, modified or relocated into or within wildland-urban interface areas shall meet the construction requirements in accordance with Table 503.1. Class 1, Class 2 or Class 3 ignition-resistant construction shall be in accordance with Sections 504, 505 and 506, respectively.

SECTION 504 CLASS 1 IGNITION-RESISTANT CONSTRUCTION

504.1 General. Class 1 ignition-resistant construction shall be in accordance with Sections 504.2 through 504.11

504.2 Roof covering. Roofs shall have a Class A roof covering or a Class A roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

504.3 Protection of eaves. Eaves and soffits shall be protected on the exposed underside by materials approved for a minimum of 1-hour fire-resistance-rated construction,

**TABLE 503.1
IGNITION-RESISTANT CONSTRUCTION ^a**

DEFENSIBLE SPACE ^c	FIRE HAZARD SEVERITY					
	Moderate Hazard		High Hazard		Extreme Hazard	
	Water Supply ^b		Water Supply ^b		Water Supply ^b	
	Conforming ^d	Nonconforming ^e	Conforming ^d	Nonconforming ^e	Conforming ^d	Nonconforming ^e
Nonconforming	IR 2	IR 1	IR 1	IR 1 N.C.	IR 1 N.C.	Not Permitted
Conforming	IR 3	IR 2	IR 2	IR 1	IR 1	IR 1 N.C.
1.5 x Conforming	Not Required	IR 3	IR 3	IR 2	IR 2	IR 1

- a. Access shall be in accordance with Section 402.
- b. Subdivisions shall have a conforming water supply in accordance with Section 402.1.
IR 1 = Ignition-resistant construction in accordance with Section 504
IR 2 = Ignition-resistant construction in accordance with Section 505.
IR 3 = Ignition-resistant construction in accordance with Section 506.
N.C. = Exterior walls shall have a fire-resistance rating of not less than 1-hour and the exterior surfaces of such walls shall be noncombustible. Usage of log wall construction is allowed.
- c. Conformance based on Section 603.
- d. Conformance based on Section 404.
- e. A nonconforming water supply is any water system or source that does not comply with Section 404, including situations where there is no water supply for structure protection or fire suppression.

2-inch (51 mm) nominal dimension lumber, or 1-inch (25.4 mm) nominal fire-retardant-treated lumber or ¾-inch (19 mm) nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code. Fascias are required and shall be protected on the backside by materials approved for a minimum of 1-hour fire-resistance-rated construction or 2-inch (51 mm) nominal dimension lumber.

504.4 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible material.

504.5 Exterior walls. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side or constructed with approved noncombustible materials.

Exception: Heavy timber or log wall construction.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

504.6 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls in accordance with Section 504.5.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

504.7 Appendages and projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction or constructed of approved noncombustible materials or fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code.

When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 504.5.

504.8 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire protection rating of not less than 20 minutes.

504.9 Exterior doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1¾ inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 504.8.

Exception: Vehicle access doors.

504.10 Vents. Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered

with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch (6.4 mm), or shall be designed and approved to prevent flame or ember penetration into the structure.

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from property lines. Underfloor ventilation openings shall be located as close to grade as practical.

504.11 Detached accessory structures. Detached accessory structures located less than 50 feet (15 240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction, heavy timber, log wall construction or constructed with approved noncombustible materials on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 504.5 or underfloor protection in accordance with Section 504.6.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy-timber construction.

See Section 504.2 for roof requirements.

SECTION 505 CLASS 2 IGNITION-RESISTANT CONSTRUCTION

505.1 General. Class 2 ignition-resistant construction shall be in accordance with Sections 505.2 through 505.11.

505.2 Roof covering. Roofs shall have at least a Class A roof covering, Class B roof assembly or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

505.3 Protection of eaves. Combustible eaves, fascias and soffits shall be enclosed with solid materials with a minimum thickness of ¾ inch (19 mm). No exposed rafter tails shall be permitted unless constructed of heavy timber materials.

505.4 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible material.

505.5 Exterior walls. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side or constructed with approved noncombustible materials.

Exception: Heavy timber or log wall construction.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

505.6 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground, with exterior walls in accordance with Section 505.5.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

505.7 Appendages and projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction or constructed of approved noncombustible materials or fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code.

When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 505.5.

505.8 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire-protection rating of not less than 20 minutes.

505.9 Exterior doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1¾-inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 505.8.

Exception: Vehicle access doors.

505.10 Vents. Attic ventilation openings, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch (6.4 mm) or shall be designed and approved to prevent flame or ember penetration into the structure.

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from property lines. Underfloor ventilation openings shall be located as close to grade as practical.

505.11 Detached accessory structures. Detached accessory structures located less than 50 feet (15 240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction, heavy

timber, log wall construction, or constructed with approved noncombustible material on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 505.5 or underfloor protection in accordance with Section 505.6.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy-timber construction.

See Section 505.2 for roof requirements.

SECTION 506 CLASS 3 IGNITION-RESISTANT CONSTRUCTION

506.1 General. Class 3 ignition-resistant construction shall be in accordance with Sections 506.2 through 506.4.

506.2 Roof covering. Roofs shall have at least a Class A roof covering, Class C roof assembly or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

506.3 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

506.4 Vents. Attic ventilation openings, soffit vents, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch (6.4 mm).

SECTION 507 REPLACEMENT OR REPAIR OF ROOF COVERINGS

507.1 General. The roof covering on buildings or structures in existence prior to the adoption of this code that are replaced or have 25 percent or more replaced in a 12-month period shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with Section 503.

CHAPTER 6 FIRE PROTECTION REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter establish general requirements for new and existing buildings, structures and premises located within wildland-urban interface areas.

601.2 Objective. The objective of this chapter is to establish minimum requirements to mitigate the risk to life and property from wildland fire exposures, exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

SECTION 602 AUTOMATIC SPRINKLER SYSTEMS

602.1 General. An approved automatic sprinkler system shall be installed in all occupancies in new buildings required to meet the requirements for Class 1 ignition-resistant construction in Chapter 5. The installation of the automatic sprinkler systems shall be in accordance with nationally recognized standards.

SECTION 603 DEFENSIBLE SPACE

603.1 Objective. Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a defensible space.

603.2 Fuel modification. In order to qualify as a conforming defensible space for individual buildings or structures on a property, fuel modification shall be provided within a distance from buildings or structures as specified in Table 603.2. For all other purposes, the fuel modification distance shall not be less than 30 feet (91 467 mm) or to the property line, whichever is less. Distances specified in Table 603.2 shall be measured on a horizontal plane from the perimeter or projection of the building or structure as

shown in Figure 603.2. Distances specified in Table 603.2 may be modified by the code official because of a site-specific analysis based on local conditions and the fire protection plan.

Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing nonfire-resistive vegetation on the property owned, leased or controlled by said person.

Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent overhead electrical facilities or unmodified fuel is not less than 10 feet (3048 mm). Deadwood and litter shall be regularly removed from trees.

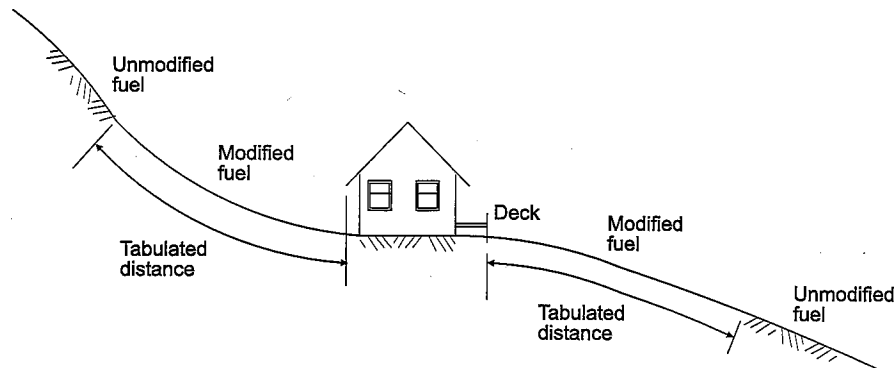
Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

**TABLE 603.2
REQUIRED DEFENSIBLE SPACE**

WILDLAND-URBAN INTERFACE AREA	FUEL MODIFICATION DISTANCE (feet) ^a
Moderate hazard	30
High hazard	50
Extreme hazard	100

For SI: 1 foot = 304.8 mm.

a. Distances are allowed to be increased due to site-specific analysis based on local conditions and the fire protection plan.



**FIGURE 603.2
MEASUREMENTS OF FUEL MODIFICATION DISTANCE**

Item # 3.

SECTION 604
MAINTENANCE OF DEFENSIBLE SPACE

604.1 General. Defensible spaces required by Section 603 shall be maintained in accordance with Section 604.

604.2 Modified area. Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures, in accordance with Section 603, in such a manner as to provide a clear area for fire suppression operations.

604.3 Responsibility. Persons owning, leasing, controlling, operating or maintaining buildings or structures are responsible for maintenance of defensible spaces. Maintenance of the defensible space shall include modifying or removing nonfire-resistive vegetation and keeping leaves, needles and other dead vegetative material regularly removed from roofs of buildings and structures.

604.4 Trees. Tree crowns extending to within 10 feet (3048 mm) of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm). Tree crowns within the defensible space shall be pruned to remove limbs located less than 6 feet (1829 mm) above the ground surface adjacent to the trees.

Portions of tree crowns that extend within 10 feet (3048 mm) of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm).

Deadwood and litter shall be regularly removed from trees.

SECTION 605
SPARK ARRESTERS

605.1 General. Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester.

Spark arresters shall be constructed of woven or welded screening of 12 USA standard gage wire (0.1046 inch (2.66 mm) having openings not exceeding ½ inch (12.7 mm).

605.2 Net free area. The net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney.

SECTION 606
LIQUEFIED PETROLEUM GAS INSTALLATIONS

606.1 General. The storage of liquefied petroleum gas (LP-gas) and the installation and maintenance of pertinent equipment shall be in accordance with the International Fire Code or, in the absence thereof, recognized standards.

606.2 Location of containers.

LP-gas containers shall be located within the defensible space in accordance with the International Fire Code.

SECTION 607
STORAGE OF FIREWOOD AND COMBUSTIBLE MATERIALS

607.1 General. Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of 20 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

607.2 Storage for off-site use. Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard. See Appendix A.

RESOLUTION #2022 – O – _____
ORDINANCE AMENDING TITLE 8, CHAPTER 4 “OBSTRUCTIONS OF PUBLIC
STREETS AND PROPERTY.

WHEREAS, the Hideout Council (“Council”) previously enacted ordinances prohibiting obstructing public streets; and

WHEREAS, debris and other objects have interfered with storm drainage, street clearing, sweeping, and snow removal of public streets within Hideout; and

WHEREAS, the Council desires to amend the existing code to prohibit debris and other objects that interfere with maintaining public streets.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HIDEOUT, UTAH, THAT:

SECTION I: The Hideout Municipal Code Title 8, Chapter 4 is amended as indicated in the attached Exhibit 1.

SECTION II: Effective Date. These amendments shall take effect upon publication.

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

CITY OF HIDEOUT

Phil Rubin, Mayor

ATTEST:

Alicia Fairbourne, City Recorder

Exhibit 1

8.04 OBSTRUCTIONS OF PUBLIC STREETS AND PROPERTY

8.04.010 DEFINITIONS - OBSTRUCTIONS OF PUBLIC STREETS AND PROPERTY

8.04.020 REGULATIONS AND REQUIREMENTS

8.04.030 NOTICE TO REMOVE

8.04.010 DEFINITIONS - OBSTRUCTIONS OF PUBLIC STREETS AND PROPERTY

The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

OBSTRUCTION: Any condition or use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on, or scattering over any of the following:

- A. Lumber, junk, trash, or debris
- B. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers
- C. Abandoned, discarded or unused vehicles, trucks or trailers.

PUBLIC STREET: means the entire width of a roadway, owned by Hideout, including the shoulder and gutter.

STORAGE OF PERSONAL PROPERTY: Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purpose for which is no longer safely usable for the purpose for which it was manufactured, for a period of thirty (30) days or more (except in licensed junk yards) within this Townthe City, is hereby declared to be an obstruction and dangerous to the public safety.

8.04.020 REGULATIONS AND REQUIREMENTS

- A. It shall be unlawful for any person to put, place or leave upon any public street, parking lot or sidewalk, or any property owner to suffer or permit to remain upon or leave such obstruction on a public street, parking lot or public property for more than seventy two (72) hours, any automobile, lumber, wood, fencing or other building materials.
- B. It shall be unlawful for any person or property owner to put, place or leave upon any public street any automobile, lumber, wood, fencing, other building material or any obstruction, for the months of October through May.
- C. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any obstruction thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

8.04.030 TRASH OR OTHER OBSTRUCTION IN STREETS, GUTTERS AND SIDEWALKS:

It is unlawful for any person owning, occupying or having control of any premises to place, or permit to be placed, upon or in the sidewalk, parking area, gutter or on the half of the street next to such premises:

(1) Any broken ware, glass, filth, rubbish, sweepings, refuse matter, garbage, ashes, tin cans or other like substances;

(2) Any dead trees, tree stumps, merchandise, or other thing which shall obstruct such public street, gutter, parking area or sidewalk, or any part thereof, or the passage over and upon the same, or any part thereof, except as expressly authorized by ordinance, without first obtaining permission from the public works director.

(3) Any permanent or temporary structure, mechanism, device, object ~~vehicle~~ or other thing of any kind or character.

8.04.~~030-040~~ NOTICE TO REMOVE

Any obstruction, as set forth in this section, which shall have remained on the public street, parking lot, sidewalk or public property for more than twenty four (24) hours after notice of the violation of this section shall have been given to the owner of such obstruction by attaching a copy of such notice to the obstruction or delivered to the property owner, will be deemed abandoned and worthless, and the ~~Town-City~~ may at its option remove such obstruction at the expense of the owner thereof or at the expense of the ~~Town-City~~ without liability for such removal to any such owner.