



# HIDEOUT, UTAH TOWN COUNCIL

## REGULAR MEETING AND PUBLIC HEARING

### January 13, 2022

### Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold its Regular Meeting and Public Hearing electronically for the purposes and at the times as described below on Thursday, January 13, 2022.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin's January 8, 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/>

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Regular Meeting and Public Hearing  
6:00 PM

I. Call to Order

1. January 8, 2022 No Anchor Site Determination Letter

II. Roll Call

III. Swearing in of Mayor and Council Members

IV. Approval of Council Minutes

1. June 10, 2021 Town Council Meeting Minutes DRAFT
2. June 24, 2021 Town Council Meeting Minutes DRAFT
3. July 8, 2021 Town Council Meeting Minutes DRAFT
4. August 12, 2021 Town Council Meeting Minutes DRAFT
5. September 9, 2021 Town Council Meeting Minutes DRAFT
6. October 14, 2021 Town Council Meeting Minutes DRAFT

V. Public Hearing Items

1. Review and possible approval regarding an amendment to the Master Development Agreement for the Deer Springs Community

VI. Public Input - Floor open for any attendee to speak on items not listed on the agenda

VII. Agenda Items

1. Discussion and possible adoption of an Ordinance which will adopt the 2016 Wildland/Urban Interface Code and its Appendix C
2. Discussion regarding a noxious weed report process
3. Re-appointment of Planning Commissioners whose terms expire January, 2022
4. Adopt the Official Zoning Map by Ordinance
5. Discussion regarding Council pay
6. Discussion and input to the Mayor regarding an Agreement with Poly Platform for an informational application for the Town of Hideout

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

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

**HIDEOUT TOWN COUNCIL**

10860 N. Hideout Trail

Hideout, UT 84036

Phone: 435-659-4739

Posted 1/12/2022



January 8, 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 35.49% of those tested since January 6, 2022. The seven-day average number of positive cases has been, on average, 6504 per day since January 7, 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>

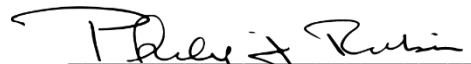
**To join by telephone dial:** US: +1 408-638-0986

**Meeting ID:** 4356594739

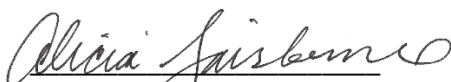
Additionally, comments may be emailed to [hideoututah@hideoututah.gov](mailto:hideoututah@hideoututah.gov). Emailed comments received prior to the scheduled meeting will be entered into public record.

This determination will expire in 30 days on February 7, 2022.

BY:

  
Phil Rubin, Mayor

ATTEST:

  
Alicia Fairbourne, Town Clerk



**Minutes**  
**Town of Hideout**  
**Town Council Regular Meeting and Public Hearing**  
**June 10, 2021**

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on June 10, 2021, at 6:00 p.m. electronically via Zoom due to the ongoing COVID-19 pandemic.

**Regular Meeting and Public Hearing**

**I. Call To Order**

**1. Mayor Rubin's June 7, 2021, No Anchor Site Determination Letter**

Mayor Phil Rubin called the meeting to order at 6:03 p.m. and explained due to the Public Health Order, no anchor site was available for the Town of Hideout Town Council Meeting.

Mayor Rubin shared opening comments and thanked the Council Members who were up for reelection for their willingness to contend for another term. He asked residents with an interest in participating in the municipal operations of the Town inform Staff in the event of a Council vacancy. Mayor Rubin also noted there was an important election referendum underway, where there would be an opportunity to vote on a proposed annexation. June 11, 2021 was the last day full-time residents could register to vote.

**II. Roll Call**

**Present:** Mayor Phil Rubin  
Council Member Chris Baier  
Council Member Jerry Dwinell  
Council Member Carol Haselton  
Council Member Bob Nadelberg  
Council Member Ralph Severini

**Staff Present:** Town Attorney Polly McLean  
Town Attorney Cameron Platt  
Town Administrator Jan McCosh  
Town Planner Thomas Eddington  
Town Engineer Dillon Bliler  
Public Works Supervisor Kent Cuillard  
Town Treasurer Wesley Bingham  
Town Clerk Alicia Fairbourne

**Others Present:** Brian Cooper, Rachel Cooper, Craig Dupper, and others who may not have logged into Zoom using their full or proper name, or who dialed in using only a phone number.

### III. Approval of Council Minutes

#### 1. April 8, 2021, Town Council Meeting Minutes DRAFT

The Council reviewed and discussed the April 8, 2021, Town Council Meeting Minutes. Council Member Carol Haselton noted on Page 3, Lines 11 and 12, the lift station was mentioned. She wondered if the word “sewer” should be put in front of the word “lift” for added clarity. Mayor Rubin felt that was appropriate and would prevent confusion between the sewer lift station and the potential chair lift.

*Motion: Council Member Nadelberg moved to approve the April 8, 2021, Hideout Town Council Meeting Minutes with the noted change. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. The motion passed unanimously.*

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

#### 1. Public Hearing, Discussion, and Possible Approval of the Amendments to the Town Budget for the Fiscal Year 2020-2021.

Mayor Rubin reported the above item was a public hearing, discussion, and possible approval of the amendments to the Town Budget for Fiscal Year 2020-2021. He reported the packet included a copy of the Audit Report. It was noted the Audit Report would not be discussed until the June 24, 2021, Town Council Meeting and was included by mistake. On Page 68 of the packet, there was a Resolution Amending the 2020-2021 Operating Budget. Mayor Rubin reminded those present in order to close out the year the end of June, the budgeted numbers needed to be adjusted to more accurately reflect the actual spending. The Council was not looking at an appropriation of new money but was participating in a State required accounting process.

Council Member Dwinell noted that the packet was well over 100 pages and was not received until late the night before. There was no way to consume all of the material in the time allotted. Council Member Severini agreed. He believed non-critical items may need to be deferred to a later date to allow adequate time to read through the materials. There was further discussion regarding the materials. It was suggested a deadline be established for material submissions of at least one week prior to the Town Council Meetings. Mayor Rubin noted there were already submission processes in place. He would review the issue with Staff and determine how to become better aligned with that goal.

Mayor Rubin noted the current budget process would amend the budget to ensure the right dollar amounts were in the right chart of accounts to ensure the numbers align with the actual spending. During the budget process, some projections were made related to COVID-19. Some of those projections were accurate and some were not. Mayor Rubin reported the Town Council had until the end of the month to complete the budget process. If any Council Members were struggling with the information, an additional meeting could be scheduled before the end of June to finalize the budget.

Town Treasurer Wesley Bingham presented the Town Budget for Fiscal Year 2020-2021. He would overview the Budget Resolution to address where the Town of Hideout was in terms of expenditures. The Town Council would amend the budget to ensure the Town stayed within



1 budget and met State compliance requirements. Mr. Bingham reported the departments had to  
2 stay within budget. For instance, if one department had more spending and another department  
3 was significantly under budget, there would still need to be an amendment to address the  
4 departments that had expended more dollars.

5 The General Fund was overviewed. Mr. Bingham reported there were a number of different  
6 accounts with additional benefits which had not been budgeted for originally. Those additional  
7 benefits were captured in the proposed amendments. He pointed out there were additional dollars  
8 in Information Technology as well as Legal. However, the main areas with additional spending  
9 were included in the Building Inspection and Engineering sections. Revenues for Building  
10 Permits were substantially higher than originally budgeted. Mr. Bingham explained the budget  
11 initially anticipated that COVID-19 would impact some of the revenue accounts, including  
12 Building Permits and the estimates were conservative as a result. Since the estimates were  
13 conservative, the expenditures were also expected to be lower. Because the revenues for Building  
14 Permits were higher, the Building Inspection and Engineering costs were higher as well. Mr.  
15 Bingham reported Street Repair and Maintenance was also higher than originally budgeted. He  
16 noted some of the estimates in the General Fund were slightly higher to ensure the Town of  
17 Hideout stayed within budget. The actual expenditures could come in lower.

18 Mayor Rubin noted there had been some changes to the Building Inspection and Engineering  
19 process. It was now an upfront fee, so while the spend was listed in this portion of the amendment,  
20 there was also a revenue side to offset that. The money was being covered through the fee process  
21 which the Town of Hideout converted to earlier that year. Mr. Bingham commented he could  
22 have gone into all of the different fee revenues, but he was mainly concerned with the expenditure  
23 side of the amendment to ensure that the Town stayed within budget.

24 The budget amendment for the COVID-19 Fund was overviewed. Mr. Bingham reported when  
25 the budget was originally approved, there was not a lot of knowledge about what would be  
26 received and what expenditures would occur within the fund. This process would amend the  
27 budget for that fund. He noted one grant payment was received one year ago, after the budget was  
28 adopted, and approximately \$34,000 was transferred from the General Fund. That was recognized  
29 in the amendment as well as salaries and some technology items. Mr. Bingham reported the  
30 largest portion of the COVID-19 Fund was related to Public Safety Services throughout the Town  
31 of Hideout. Mr. Bingham discussed the Enterprise Fund and explained an estimate of depreciation  
32 was included. The Auditor did not necessarily require the Town to budget this, but he felt it made  
33 sense to put an estimate together and budget appropriately. He noted this was a non-cash  
34 transaction and illustrated the depreciation of infrastructure already in place.

35 Mr. Bingham reported the Council could vote on the item during the June 24, 2021, Town Council  
36 Meeting, if desired. However, the amendments needed to be adopted before June 30, 2021. Mayor  
37 Rubin wondered if the Council Members were comfortable with the proposed amendments or if  
38 they wanted to defer the vote to a future meeting. All of the Council Members were comfortable  
39 voting on the item. Council Member Haselton stated that it would have been useful to see what  
40 was originally budgeted to better understand the amendments. Mr. Bingham stated Staff could  
41 provide the Council with a Staff Report in the future to provide additional details on specific line  
42 items.

43 At 6:42 p.m., Mayor Rubin opened the public hearing. There were no public comments. The  
44 public hearing was closed at 6:43 p.m.

*Motion: Council Member Severini moved to adopt a Resolution Amending the 2020-2021 Operating Budget, as described during the Town Council Meeting and as shown in the Resolution. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed unanimously.*

**2. Public Hearing, Discussion and Possible Approval of a Resolution Adopting the Town Budget for the Fiscal Year 2021-2022 and Setting the Property Tax Rate at No Increase for the Town of Hideout.**

Mayor Rubin reported the item was a public hearing, discussion, and possible approval of a Resolution which would adopt the Town Budget for Fiscal Year 2021-2022 and set the property tax rate at no increase for the Town of Hideout. Mr. Bingham presented the item and explained Wasatch County had asked the State for an extension to complete the appraisal and had yet to release the Certified Tax Rate. The Town of Hideout was not proposing a property tax increase in the Fiscal Year 2021-2022 budget, and it did not differ from the tentative budget, which was reviewed with Council in May 2021. He noted the motion from Council would need to acknowledge whatever the Wasatch County Auditor released as the Certified Tax Rate would be the rate that the budget was operated on. Mr. Bingham anticipated the rate would be released within the next week or so. He clarified the Town was not changing the property tax rate but would adopt what the County Auditor provided as the certified rate.

Council Member Dwinell noted there had been a Truth in Taxation process when the current tax rate was set. He wondered if the County could change that rate. Mr. Bingham explained for the collected property tax dollars to change, there needed to either be growth in the Town or action taken by the Council. If there was no growth, the amount of property tax revenue would remain the same. Property tax values changed and as property tax values increased, the Certified Tax Rate decreased to produce the same amount of property tax revenue.

Town Attorney, Polly McLean noted she made some amendments to the Resolution. For instance, in Section 4, there was authorization for the Town to move forward without knowing the Certified Tax Rate. It authorized the Town Administrator to file the Certified Tax Rate and Property Tax Revenue for Tax Year 2021. Ms. McLean noted the last line needed to be amended to state the following:

- This Resolution hereby adopts a Certified Property Tax Rate for Calendar Year 2021.

It was noted there was a final version of the Resolution but the redline version had been included in the packet. There was discussion about appropriate wording for the Resolution. Council Member Severini asked if an equivalent tax rate would be better terminology to use. Mr. Bingham felt it was important to mention the County Auditor's Certified Rate because there could not necessarily be an equivalent for the previous year. Ms. McLean explained the intention of the amended Resolution language was to clarify that there was no tax rate increase. The Town was not changing the rate, which was why there was no Truth in Taxation process. The Resolution would clearly state the Council was giving authority to the Town Administrator to compute and file the Certified Tax Rate once it was known. Mr. Bingham felt the wording from Ms. McLean made sense.

Council Member Dwinell mentioned the earlier suggestion from Council Member Severini about terminology. The intention was to communicate to citizens that the Town was not initiating a tax increase but felt the language in the Resolution was not clear enough. Ms. McLean explained the Resolution essentially told citizens that the Town was not increasing taxes. The Town would collect the same amount in the current year as they did the year before, other than new growth. Council Member Dwinell felt it was important for citizens to understand that while the tax rate may change on their next tax bill, it was not the result of a tax increase from the Town. It was suggested an announcement be added to the Town website to clearly state the Town was not initiating a Truth in Taxation process.

There was further discussion regarding the appropriate wording for the Resolution. Mr. Bingham suggested language specifying the Town Council had approved the budget without an increase above the County Auditor's Approved Certified Tax Rate. The Council Members preferred the original language. Ms. McLean asked that a typo be corrected on the Resolution. The document was shared with the Town Council to review, and final amendments were made.

There being no further questions from Council, Mayor Rubin opened the public hearing at 7:04 p.m. There were no public comments. The public hearing was closed at 7:05 p.m.

*Motion: Council Member Severini moved to adopt a Resolution for the Town of Hideout, Utah, approving and adopting a Final Budget for the Fiscal Year 2021-2022, with the changes reflected on the screen. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed unanimously.*

### **3. Public Hearing and Review of the Fraud Risk Assessment Questionnaire and Discuss Ways to Improve Controls for the Town of Hideout.**

Mayor Rubin presented the above item related to the Fraud Risk Assessment Questionnaire. He wondered if it should be deferred to a future meeting. Mr. Bingham noted as long as it was completed before the end of the month, it would be appropriate to defer the public hearing and discussion.

Mayor Rubin stated that the Public Hearing and Review of the Fraud Risk Assessment Questionnaire would be continued until the June 24, 2021, Town Council Meeting. All Council Members voted in favor of the continuation.

## **V. Public Input - Floor Open to Any Attendee to Speak on Items Not Listed on the Agenda**

Mayor Rubin reported the above item related to public input. He reviewed the process for those interested in sharing public comments and opened the public input portion of the meeting.

Council Member Dwinell noted the Council received an email from Brett Rutter, who believed he had properly submitted a question about the annexation. That email was not read or discussed at the previous Town Council Meeting. Council Member Dwinell wondered if it was something which could be discussed at the current meeting. It was noted several Council Members had responded to Mr. Rutter personally. Council Member Dwinell pointed out the Council had not addressed his questions in a public forum. He forwarded the email to Town Clerk, Alicia Fairbourne, and Mayor Rubin.

1 Ms. McLean noted there was a requirement to make sure when the annexation was discussed,  
2 equal time was given to both proponents and those opposed to the annexation. She suggested the  
3 Town Council post the question on the Town's website with a response from both the Town and  
4 sponsors of the referendum. It would then be available for members of the public to review.  
5 Council Member Dwinell believed the questions posed by Mr. Rutter were in line with the type  
6 of questions which were raised at the previous meeting. The email deserved a public response.  
7 Ms. McLean noted the email could be addressed since Rachel Cooper and Brian Cooper were  
8 available to act as sponsors.

9 The email from Mr. Rutter was shared with the Council Members. Mayor Rubin apologized the  
10 email had been missed. He stated there was a comment in the email related to the risk associated  
11 with other commercial spaces in the area which were in competition with what was proposed. For  
12 example, a small grocery store was proposed at the intersection of State Road 248 and there was  
13 a restaurant at Black Rock Mountain Resort. Mayor Rubin believed the two facilities would not  
14 meet the needs of the additional 15,000 units which would be built over the years. More would  
15 be needed than just those facilities.

16 Council Member Baier added the Silver Meadows annexation was meant to be a neighborhood  
17 commercial town hub, which was different than a standalone restaurant inside a hotel. A small  
18 market and a nearby restaurant would be insufficient for the amount of anticipated growth.  
19 Additionally, the intention of the annexation was to have a true town center, walkable shops, and  
20 places to park. It was not addressing a one-off immediate need but was looking toward the future.

21 Mayor Rubin shared an additional comment from the email related to expectations about  
22 construction timing. Council Member Baier reported she had spoken to Mr. Rutter at length and  
23 some of his questions were meant to examine the assumptions of the financial studies. The  
24 comment about the timing was meant to test the assumptions included in the studies to ensure  
25 many different scenarios had been considered. Mayor Rubin mentioned the stepped model.  
26 Everything was subject to the economy and authorized units may be built quickly or not at all.  
27 The stepped model would temper the growth of commercial space to ensure there were no empty  
28 buildings and the buildings were not completed before there was a demand for services. The  
29 projections were based on commercial growth.

30 Mr. Cooper stated the financial assessment impressed him because it was very conservative. The  
31 assessment was based on past historical growth, which was lower than what had been seen in  
32 recent years. Though it was uncertain how long the current real estate growth rates would  
33 continue, the plan had accommodations in place for that uncertainty. The stepped model was a  
34 wonderful way to accommodate either an increase in growth or a decrease in growth.

35 Council Member Severini noted even before the COVID-19 pandemic, the national commercial  
36 growth rate was down because there was more online shopping taking place, which had been  
37 taken into account. Mayor Rubin felt that was a good point. He also pointed out the services which  
38 were being targeted were more traditional services such as personal care, dry cleaning, and  
39 banking. Council Member Severini commented those types of services typically remain steady.

40 Mayor Rubin reported the email stated many in the surrounding areas of Hideout would boycott.  
41 He noted this was an assumption, and it would be a fairly small percentage who chose to do so.  
42 The email also noted there were certain expectations about full-time and part-time residents.  
43 Mayor Rubin explained those numbers were built into the study. He also commented the study

took into account the cost of repairs and maintenance. In addition, litigation and lawsuits were being addressed through the annexation MDA. Council Member Baier stated the developer had agreed to a number of items the town had not yet adopted. For instance, the developer agreed should the Town adopt a Soil Ordinance or a Dark Skies Ordinance, they would abide by them.

The last question included in the email from Mr. Rutter had to do with the Town going bankrupt. Mayor Rubin explained this had been discussed. He believed the future leadership would be fiscally responsible enough to prepare a budget and take on the Truth in Taxation process as needed, to ensure that the Town has enough resources to maintain basic infrastructure. Council Member Dwinell stated nothing in the annexation would affect how the Town operated. The financial impact studies indicated a positive cash flow to the Town under all of the proposed scenarios. He did not see the annexation as a potential drain on Town resources under any of those scenarios.

There were no further comments. Mayor Rubin closed the public input portion of the meeting at 7:39 p.m.

## **VI. Agenda Items**

### **1. Discussion with Heber Valley Animal Services**

Mayor Rubin reported Heber Valley Animal Services had begun working with the Town of Hideout to provide Animal Control Services. However, there had been a change of schedule and the Director would speak to the Town Council during the July 2021 Town Council Meeting instead.

### **2. Discussion and Possible Adoption of Ordinance 2021-O-XX Regarding Dark Skies**

Mayor Rubin reported the above item related to the Dark Skies Ordinance. He wondered if the Council wanted to defer the discussion, given the length of the agenda. Council Member Baier informed those present she had read through the material. Council Member Dwinell stated he wanted to see what the impact of implementation would be. He did not want to enact something which would be a burden on the residents. It made sense to conduct an inventory of the Town to better understand what would be out of compliance if the Ordinance went into effect.

Council Member Baier believed most of the Town was under the Hideout Master Homeowners Association, which already had lighting restrictions. As a result, she felt it was likely that most fixtures were compliant. It was simply a matter of some lights staying on all night. She noted the longer the Council waits to discuss the item, the higher the likelihood additional buildings would need to be retrofit. Council Member Dwinell reported GCD Communities opted for light sensors to turn on in lieu of streetlights. The streets were illuminated by the homes that line them. It was important to understand how many homes the Ordinance would impact. Mr. Cooper reported he looked at the Shoreline design and thought there may be an easy retrofit where a timer was installed. However, the switch did not control the lights and a photocell was used instead. There was discussion regarding lights in GCD Communities.

Mayor Rubin informed the Council Members there had been discussions about a possible assessment of current conditions. Council Member Severini wondered if the Town could find someone to do a sampling survey rather than an exhaustive inventory. Town Planner Thomas

Eddington offered to reach out to Daniel Mendoza from the University of Utah to conduct the study. There was some work taking place in Summit and Wasatch Counties over the summer and it may be possible the light meter assessment could be done during that time. Mr. Cooper felt sampling made the most sense.

Council Member Severini noted there tended to be longer waits to go through universities for projects because they were often more cost-effective. It may be more expeditious for the Town to hire someone to do the work for one day. Mayor Rubin was comfortable with that if it was possible to find someone qualified to do the work. He asked Messrs. Eddington and Cooper to look into this and come back to the Council with more information.

### **3. Discussion and Possible Adoption of Ordinance 2021-O-XX Amending Title 5 Chapter 4 Regarding Nuisance Definitions and Enforcement for Solid Waste and Stagnant Water.**

Mayor Rubin reported the above item related to the possible adoption of an Ordinance to amend Title 5 Chapter 4. Ms. McLean noted when the documents were converted to PDF files, the redline corrections were lost. She sent a redline version to Mayor Rubin to reflect the minor changes made to the Ordinance language. There had been a lot of complaints about nuisance conditions, and it was important to make sure they were all captured appropriately. Mayor Rubin shared the redline version of the Ordinance.

Ms. McLean overviewed the Definition section of the Ordinance and made note of minor changes to the Stagnant Water definition. Council Member Dwinell liked the proposed changes but suggested the definition of 'Unightly' include additional language to specify a visible liner in a pond would qualify as unsightly. Council Member Haselton asked it not just be categorized as a pond but any water retention facility. Council Member Nadelberg believed the golf course pond would be covered under that type of language. Council Member Severini thought the language would also cover some of the settling ponds that were approved in the subdivisions. Mayor Rubin made additional amendments to the document to include the suggested language.

Ms. McLean explained language was added to the definition of "Solid Waste" as well, to address construction materials which were left on lots without active building permits. Council Member Severini suggested the definition remove the word, "excessive," which was removed. Council Member Dwinell asked about the placement of language within the Solid Waste definition. Letters G and F were switched for additional clarity. Council Member Baier wondered if there was anything which mentioned sheds or temporary structures used for the storage of hazardous materials. Ms. McLean explained if there were sheds which were unsightly or which do not have a Building Permit, the issue was usually considered to be a violation of the Building Code.

Council Member Dwinell felt it was important to look at the storage of hazardous materials. It was noted there were certain requirements related to the storage of hazardous materials. Ms. McLean pointed out hazardous waste was included as part of the Solid Waste definition. Council Member Baier did not believe the storage of hazardous materials would be considered hazardous waste. Council Member Dwinell agreed. Mayor Rubin stated chemical storage would likely need to be a separate item and did not fit with the Nuisance Definitions section. There were State Codes which outline the quantities of hazardous materials which could be stored. While there could be a section of Code added to specifically address chemical storage or hazardous materials storage, it would not be considered a nuisance. Ms. McLean offered to look into that specific issue.

Council Member Dwinell inquired about issues with temporary structures. Ms. McLean believed those issues would fall under the definition of “unsightly”, which stated the following:

- Dilapidated, ill-kept, or in disrepair to the extent that it is offensive to the visual sense to a reasonable person, in accordance with the findings and purposes of this chapter.

Council Member Severini reported there was a unit in Town which had an open dumpster for almost one year while remodeling was done. He wondered if that would be considered a nuisance due to the extended timeframe. Mayor Rubin explained a dumpster was required to be on-site for construction work and remodeling. As long as there was a valid permit, it was permissible for it to be there for a longer period of time. Council Member Severini asked about the permit for a dumpster and if the permits were provided on a weekly or monthly basis. Ms. McLean noted if a dumpster was uncovered, it would fall under Solid Waste. However, the Nuisance Conditions state there were exceptions for dumpsters if there was an active Building Permit. If there was not an active Building Permit, a dumpster could not be left on a property indefinitely. Mayor Rubin stated there was language in the Code about an Active Building Site versus an Abandoned Building Site.

Council Member Haselton reported she and Council Member Baier recently participated in a community clean-up event and some of the dumpsters near a construction site were overflowing. When the dumpsters were full and it was windy, the trash blew all over. Mayor Rubin reported there was a Code requirement that stated dumpsters cannot be filled above the rim. Patrolling was done and citations can be given if the dumpsters are filled above a certain level. That was more of a reporting and communication item. He felt the Town had sufficient mechanisms in place to enforce that.

Ms. McLean continued to review the amendments. She read from 5.040.030 – Jurisdiction, and explained the language complied with Utah State Code. It was clear the Town could decide what was considered a nuisance. Additionally, the Town could implement fines, abate, or put a tax lien on a property if the abatement is not paid. Council Member Baier wondered if there was an abatement process for nuisance structures, which Ms. McLean confirmed.

Council Member Baier inquired about the process for private properties. Town Attorney Cameron Platt reported the initial determination would be made by the Code Enforcement Officer. If the Officer received a complaint or if something was visible from a public area, the Code Enforcement Officer could inspect the area. If the property owner did not give permission, the Code Enforcement Officer could resort to a warrant. Council Member Baier asked about the process to obtain a warrant. Mr. Platt explained a warrant could be obtained from a Judge who had jurisdiction over the property. Either a Code Enforcement Officer, Attorney, or Law Enforcement Officer could appear before the judge, issue an affidavit, and request a warrant. If the judge issued the warrant, the property owner would be served.

Ms. McLean overviewed the amendments made to 5.04.040, which related to the responsibilities of a Code Enforcement Officer. She reported the language had been cleaned up and clarified. Discussions were had about Code Enforcement Officer appointments. Mayor Rubin reported additional Code Enforcement Officer positions would require Town Council approval, but once the role was created, the actual staffing process becomes administrative. Council Member Baier stated she could see a need for additional Code Enforcement Officers in the future. Council Member Severini made note of 13.08 – Recovery of Code Enforcement Penalties and Costs and

asked about additional fines. Mayor Rubin explained there was a Fee Schedule which outlined different fines that could be utilized.

Mayor Rubin thanked Ms. McLean and Mr. Platt for their work on the Ordinance. It was an improvement over what the Town currently had in place and addressed a lot of issues within the community. He recommended the Town Council adopt the Ordinance. Ms. McLean explained the Town Council was not required to hold a public hearing or hear public comments related to the item.

***Motion: Council Member Nadelberg moved to adopt an Ordinance Amending Title 5 Chapter 4 Regarding Nuisance Definitions and Enforcement for Solid Waste and Stagnant Water, Amending Title 13, Chapter 4 Inspection Procedures and Title 13, Chapter 8 Recovery of Code Enforcement Penalties and Costs, as modified. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed. The motion passed unanimously.***

#### **4. Discussion and Possible Action on Resolution 2021-R-XX Requesting Admission to the Public Employees' Retirement System.**

Mayor Rubin reported the above item relates to the Public Employees' Retirement System. He explained last year, health benefits were put in place for full-time employees. The recommendation was to also allow those employees to become members of the Public Employees' Retirement System and put money into a 401(k). Town Administrator Jan McCosh explained it was discussed with the Budget Committee. Additionally, a provision had been made in the upcoming budget. Ms. McCosh explained this was something the Town intended to do last year, but due to COVID-19 concerns, the budget had been fairly basic, and the decision was deferred. She noted employees who worked in government prior to 2011 were considered Tier 1 employees and those who worked in government after 2011 were considered Tier 2 employees.

Council Member Baier asked for additional information about the Tier 1 and Tier 2 employees. Ms. McCosh explained it was a classification through the State Retirement Fund. In 2011, there was a revision, and the State system put in a slightly different plan. Tier 1 had a pension option which was not available to Tier 2 employees. She noted the Town had two Tier 1 employees and three Tier 2 employees. Mayor Rubin pointed out many companies no longer offer pensions. Council Member Baier wondered what the cost to the Town would be. Ms. McCosh explained the Town would pay 20% of the salary into a fund each payroll, which had been budgeted for.

Council Member Baier expressed support for the benefits program. She felt it was important to be able to attract and retain employees. Council Member Dwinell agreed. He noted as the Town continued to grow, the services offered also needed to grow. The Town of Hideout needed to offer these types of benefits to full-time employees. Council Member Haselton also expressed support. Mr. Cooper assumed it would be possible to offer a 401(k) match in the future. Ms. McCosh reported it was an option, but the Town did not currently offer a match. Mayor Rubin explained the Town had not confirmed there was sustainable revenue streams to allow for matching. Council Member Baier asked Staff ensure employees understood why they may be included in either Tier 1 or Tier 2. Ms. McCosh stated someone from Utah Retirement Systems presented the plan to employees.



*Motion: Council Member Severini moved to adopt a Resolution to Request Admission to the Public Employees' Retirement System. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed. The motion passed unanimously.*

**5. Discussion and Possible Approval of an Adjustment for Planning Fees on the Hideout Fee and Rate Schedule and Adopt Resolution 2021-R-XX to Revoke and Replace the Fee and Rate Schedule**

Mayor Rubin reported the above item was related to the Hideout Fee and Rate Schedule. Ms. McCosh suggested the Town Council continue the discussion until the June 24, 2021 Town Council Meeting. She confirmed with Mr. Eddington there were no anticipated applications for the next month or so. There was a procedural issue that needed to be addressed before Council discussions took place.

Council Member Dwinell asked about the proposed changes. Ms. McCosh explained Staff had been adapting the way billings were passed through and fees were set. Mr. Eddington overviewed the Fees and Rate Schedule Chart included in the packet. The left column listed the planning application, the middle column showed the current fee, and the right column showed the proposed fee. Mr. Eddington believed it was appropriate to defer the discussion until the June 24, 2021 Town Council Meeting.

Mr. Eddington overviewed the Preliminary Subdivision section of the chart. Currently, it was \$4,500 plus \$100 per acre, which took into account the Town costs as well as legal planning. He explained it was typically not enough to take care of all of the fees. As a result, the proposal was that the application fee be lowered to \$3,750 plus \$100 per acre to cover the Town fees. Then there would be a \$10,000 escrow fee with a minimum required balance of \$2,500 to cover planning and legal costs. There would also be one Planning Commission Meeting and two Town Council Meetings. Additional meetings would have costs associated with them, which were included at the bottom of the chart.

Council Member Baier believed the intention was to state the applicant would have three meetings included in the fee structure. Mr. Eddington confirmed this. Council Member Severini asked for additional examples to illustrate the changes. Mr. Eddington clarified there would not be any significant changes. However, the additional meeting costs would make applicants more likely to submit materials on time. In turn, this would make the process more straightforward. He added the money for the application fee and escrow fee would be collected upfront. If the consultants did not use all of the money from the escrow fee, it would be returned. The intention was to maintain the same procedures but ensure early receipt of information and more productive meetings.

Council Member Severini wondered why the base fee was being lowered. Mr. Eddington explained the application fee money would cover Town fees. Currently, all services were being pulled from the application fee and it was not enough. This would ensure there was a fair fee for all of the Staff expenses. Other services would pull from the escrow fee instead. Mayor Rubin felt this was a more streamlined process. Ms. McCosh noted this had been a work in progress and Staff was working toward setting appropriate fees. Mayor Rubin reported the item would be deferred to the June 24, 2021 Town Council Meeting and thanked Ms. McCosh and Mr. Eddington for their work.

1       **6. Continued Discussion and Possible Action on the Sewer Master Plan**

2       Mayor Rubin reported the next item was related to the Sewer Master Plan. It had been presented  
3       previously and several Council Members asked for a chance to review the material further. He  
4       wondered if the Council was ready to discuss the item or whether they wanted to defer the  
5       discussions. Council Member Baier believed this was an important issue and deserved adequate  
6       time for review. There were a lot of cost estimates included in the packet as well as information  
7       about financing that required in-depth discussions. She suggested the Council may want to discuss  
8       the item in July 2021 in order to address more pressing issues on the current meeting agenda.

9       Mayor Rubin stated he would ask Ms. Fairbourne to include the item earlier in the July 2021  
10      Town Council Meeting to allow for a robust discussion. Council Member Severini agreed with  
11      the decision to defer the discussions for another month. It would allow time to do additional study  
12      and to submit questions. Mayor Rubin asked all Council members identify areas of concern and  
13      submit questions prior to the July 2021 Town Council Meeting.

14      **7. Discussion and Possible Action on an Ordinance Amending 1.20.040 IMPACT FEES**  
15      **IMPOSED and Adopting 1.20.100 Time and Manner of Collection; and 10.14.02, Time of**  
16      **Payment to Clarify that Impact Fees Going to the Jordanelle Special Service District and the**  
17      **Wasatch County Fire Protection Special Service District Must Be Paid Before a Building**  
18      **Permit Can Be Issued**

19      Mayor Rubin reported the above item was an Ordinance to amend a section of the Code which  
20      discussed impact fees imposed by third-party providers. He explained Jordanelle Special Service  
21      District (“JSSD”) and Wasatch County Fire Protection Special Service District (“Wasatch County  
22      Fire”) have impact fees. Wasatch County Fire collects the fee directly, which works out well  
23      because the Town does not approve Building Permits without a checked box from Wasatch  
24      County Fire on the Building Permit System. If they had not been paid, the permit would not be  
25      approved. Since the Town was the middle person for the JSSD billing process, Building Permits  
26      had been approved with the assumption that JSSD would be paid. However, that did not always  
27      happen. During a meeting with JSSD, it was discovered that JSSD would be willing to have a  
28      check box for their services in the Building Permit System. If JSSD had not been paid, the permit  
29      would not be approved. Based on those discussions, Ms. McLean prepared language which would  
30      allow the Town to strengthen the Code.

31      Council Member Severini asked about receiving evidence from JSSD. Mayor Rubin explained  
32      there would be a check box in the Building Permit System like what Wasatch County Fire has.  
33      Just as Wasatch County Fire has access to the system, JSSD would as well. The permit request  
34      would be reviewed, and the box would be checked electronically. If the box was not checked, the  
35      system would not allow the Town to issue a permit. The Council Members were in support of the  
36      amendment.

37      ***Motion: Council Member Nadelberg moved to Amend Section 1.20.040 and Section 1.20.050***  
38      ***and Adopt Section 10.14.020 Clarifying Required Impact Fees and Timing of Impact Fees***  
39      ***Payment. Council Member Severini made the second. Voting Yea: Council Members Baier,***  
40      ***Dwinell, Haselton, Nadelberg, and Severini. None opposed. The motion passed unanimously.***

**8. Discussion and Possible Action on Ordinance 2021-O-XX to Adopt the Wasatch County Fire Restrictions Effective June 16, 2021**

Mayor Rubin reported the above item related to Wasatch County Fire restrictions. Ms. McLean explained the packet included an announcement from Wasatch County Fire as well as an Ordinance amending Chapter 6.08. She had spoken to Fire Marshal Clint Neerings, who stated Hideout should be considered to be within the wildland interface. The Town had not adopted the wildland interface, but they were in a risky area and would be working to adopt the wildland interface in the future. Ms. McLean noted the Ordinance included ignition sources as well as fireworks. Under State Code, a municipality cannot prohibit fireworks around July 4 and July 24. However, that had recently changed, and municipalities could designate an area where it was dangerous to have fireworks in the summer. She noted the designated area would be the entire Town of Hideout as the Town had dangerous conditions and would be considered part of the wildland interface.

Council Member Dwinell expressed concerns with 6.08.050(F) in the Ordinance, which stated:

- The use of open fires, fire pits, lighters, matches, sky lanterns, barbeques, and smoking materials is prohibited under the following circumstances:
  - When the Fire Code Official of Hideout determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition sources;
  - In areas designated by the Council as containing hazardous environmental conditions;
  - When the use of open fires, fire pits, lighters, matches, sky lanterns, barbeques, smoking materials, or another ignition source is negligent.

Council Member Dwinell wondered if that language suggested that citizens would be unable to use their barbecues and fire pits. Mayor Rubin explained previously, the language had to do with solid fuel. Council Member Dwinell pointed out solid fuel was not included in the language. There was discussion regarding appropriate language for the Ordinance. Council Member Haselton believed the danger was when there were embers that could cause fires. Having a propane fire pit would not create the same danger. Council Member Dwinell wanted to make sure smokers were not outlawed. Council Member Nadelberg stated the Council did not want to outlaw barbecuing in the summer, but it was also important to focus on general safety for residents.

Mr. Platt explained 6.08.050(F) was intended to prohibit the use of an ignition source which was negligent. Under the new State Code, three sections stated: a Fire Officer or State Forester could outlaw ignition sources, the Council could outlaw fireworks in a designated area, and they could prohibit ignition sources that were used in a negligent manner. Ms. McLean noted the Town had hazardous environmental conditions. It may be possible to invite the Fire Marshal to the next Town Council Meeting for further discussion. However, due to the drought year, the Ordinance language was drafted quickly because there was a need to address safety concerns.

Mayor Rubin recommended the Town Council adopt the Ordinance. Council Member Dwinell believed it was important to include language that mentioned the release of embers which would

be easier for residents to understand. Mayor Rubin made the requested amendments to the document. Council Member Baier asked about enforcement. Mr. Platt reported Fire Officials, Police Officers authorized in the State, and any Code Enforcement Officer would be able to enforce the Ordinance. Council Members asked for information related to the Ordinance be shared with residents as soon as possible.

***Motion: Council Member Baier moved to adopt an Ordinance Amending Chapter 6.08 - Fireworks to Restrict Fireworks and Other Ignition Sources Under Certain Conditions, as amended. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed. The motion passed unanimously.***

## **9. Discussion Regarding Hideout's Emergency Notification Policy**

Mayor Rubin reported the above item related to the Town of Hideout's emergency notification policy. He explained the Town had invested in an emergency notification system, but it had failed. Currently, the only mechanism that the Town had in place was a notification which residents could sign up for on the website. Mayor Rubin noted the issue with the previous emergency notification system was the Town of Hideout was a Wasatch County-based municipality with a Summit County-based zip code. As a result, the mapping systems which the emergency notification systems used had crashed. Staff was currently looking into other possible solutions, but the Town website was what was currently in place. He asked Council Members communicate with citizens about the ability to sign up for notifications.

Council Member Baier agreed it was important to use the town website but wondered who was responsible for sending out the notifications. It was noted certain Staff members could do so. She asked what would happen on evenings or weekends when no one is in the office. Mayor Rubin stated there was not a formally designated emergency services notification person, but it was something which could be considered. Ms. McLean reported under the State Code which went into effect that year, there was a requirement of an Emergency Operations Plan and Succession Plan be adopted. The default was what was in the State Code. She suggested at the July 2021 Town Council Meeting, the Town Council ensure that all of those requirements were in place.

Council Member Haselton noted there were four Town vehicles. She asked if it would be possible to add a speaker system to one of the vehicles to make emergency announcements, if necessary. Mayor Rubin believed the SUV could be outfitted with something like that. It may be a temporary solution, but it would be beneficial. Council Member Baier suggested a Work Session take place in July 2021 to work through the Emergency Operations Plan and Succession Plan. Mayor Rubin wondered if the discussion would be suitable for the Infrastructure Committee. Ms. McCosh confirmed this. The Infrastructure Committee Meeting schedule was overviewed. Ms. McLean asked the Town Council allow her to look into what was already in place in the Town. There could be a Work Session in July or August of 2021 to discuss the matter further.

## **10. Discussion of Possible Compensation for Mayor and Council Members**

Mayor Rubin explained Ms. Fairbourne did some research on compensation for the Mayor and Council Members in other towns. It was noted the Town of Hideout was unique because there were big-city issues with large development, but a small population base. Mayor Rubin asked for additional information to flesh out the compensation charts included in the packet. He thanked

Ms. Fairbourne for her work and stated that the Town Council would discuss the matter fully at the July 2021 meeting.

# **11. Discussion and Possible Appointment of a Permanent Mayor Tempore for Dire Emergencies**

Mayor Rubin recommended that the Town Council defer the discussion to a future meeting.

## **VII. Closed Executive Session - Discussion of Pending or Reasonably Imminent Litigation, Personnel Matters, and/or Sale or Acquisition of Real Property as Needed**

Ms. McLean expected the Closed Executive Session to last for approximately 25 minutes. There were two items to discuss, and the intention was to move through the discussions as quickly as possible.

*Motion: Council Member Nadelberg moved to end the public portion of the meeting and move to Closed Executive Session to discuss pending or reasonably imminent litigation, personnel matters, and/or the sale or acquisition of real property. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed. The motion passed unanimously.*

At 9:48 p.m., the public portion of the meeting was closed and the meeting moved into Executive Session.

**Present:** Mayor Phil Rubin  
Council Member Chris Baier  
Council Member Jerry Dwinell  
Council Member Carol Haselton  
Council Member Bob Nadelberg  
Council Member Ralph Severini

**Staff Present:** Town Attorney Polly McLean  
Summit County Litigation Attorney Rob Mansfield

## **VIII. Meeting Adjournment**

At approximately 10:40 p.m., Mayor Rubin asked for a motion to close the executive session and adjourn the public meeting.

*Motion: Council Member Nadelberg moved to close the Executive Session and adjourn the public meeting. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed.*

The Town Council Meeting adjourned at 10:40 p.m.

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Alicia Fairbourne, Town Clerk

**Minutes**  
**Town of Hideout**  
**Town Council Special Meeting - Continued Public Hearing**  
**June 24, 2021**

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Continued Public Hearing on June 24, 2021, at 6:00 PM electronically via Zoom due to the ongoing COVID-19 pandemic.

**Regular Meeting and Continued Public Hearing**

**I. Call To Order**

**1. Mayor Rubin's June 7, 2021, No Anchor Site Determination Letter**

Mayor Rubin called the meeting to order at 6:00 p.m. and explained that due to the Public Health Order, no anchor site was available for the meeting. Mayor Rubin thanked the residents of the Town of Hideout for the impressive turnout during the recent referendum election. He reported there was a seventy-five percent (75%) turnout rate of registered voters. He expressed his gratitude toward members of the community for their participation. Mayor Rubin also thanked Staff for their hard work.

**II. Roll Call**

**Present:**

Mayor Phil Rubin  
 Council Member Chris Baier  
 Council Member Jerry Dwinell  
 Council Member Carol Haselton  
 Council Member Bob Nadelberg  
 Council Member Ralph Severini

**Staff Present:**

Town Attorney Polly McLean  
 Town Attorney Cameron Platt  
 Town Administrator Jan McCosh  
 Town Planner Thomas Eddington  
 Town Engineer Ryan Taylor  
 Town Engineer Dillon Bliler  
 Public Works Supervisor Kent Cuillard  
 Town Clerk Alicia Fairbourne

**Others Present:** Brian Cooper, James Magleby, Craig Jenson, Jeff Bawol, Wade Budge, Glen Gabler, Brian Reeve, Jeff Turner, John Leone, Mike Stewart, Jack Walkenhorst, Carol Tomas, Nate Brockbank, and others who may not have logged into Zoom using their full or proper name, or who dialed in using only a phone number.

### III. Public Hearing Items

#### 1. Continued Public Hearing, Discussion, and Possible Action on the Final Approval of Shoreline Phase 2A Amended Final Plat

Mayor Rubin reported the item was for a public hearing, discussion, and possible approval of the Shoreline Phase 2A Amended Final Plat. Town Planner Thomas Eddington noted the Town Council had heard some of the information already and had the opportunity to do a site visit. He explained that Phase 2A Amended was essentially the removal of Lots 2 through 16 on Upside Drive, which were uphill lots. The proposal was to move those lots to Phase 3 of the development, where they will be downhill lots. Mr. Eddington stated Phase 2 would have forty-seven (47) total lots, which was down from the sixty-two (62) lots which were originally part of the phase. While this would reduce the number of units, nothing else would change. The fifteen (15) lots would be moved because of the subdivision boundary.

Council Member Dwinell noted the style would change from uphill to downhill and wondered if that would impact the building envelopes. Glen Gabler explained the lots would match the downhill building type which was part of Phase 2. However, one unit was lost due to the change from uphill to downhill. Council Member Nadelberg asked if the fourplex that was being removed would revert to open space. Mr. Gabler explained nothing was being removed but the fourplex would become a triplex. There would need to be slightly larger units due to the topography of the downhill versus the uphill and the fourth unit would not fit as a result.

Mayor Rubin shared a drawing from the packet to illustrate the proposed amendments. Council Member Baier asked about the permanent secondary access for Phase 2. Town Engineer Ryan Taylor explained there was no permanent secondary access for Phase 2 as it would be included in Phase 3 of the development. It was noted there was secondary access which Lakeview Estates would include at the bottom of Phase 2 and there would also be a connection between Shoreline and Lakeview in Phase 3. Mayor Rubin pointed out there was an emergency access road below Phase 2 which was already in place. It was upgraded in the Spring and was passible in an emergency. Council Member Baier expressed concerns about that emergency access road in Winter. Mayor Rubin stated the road would need to be cleared during the winter months to be useable.

Council Member Baier asked about the number of units. Mr. Eddington reminded Council Members there were forty-seven (47) proposed units, but not all of them had been built. Council Member Baier believed thirty-one (31) units was the number of units where the Town stopped issuing Building Permits if there was not a secondary access road in place. Council Member Dwinell noted in the packet, there was a letter from Wasatch County Fire Protection Special Service District ("Wasatch County Fire") to state there could not be approval without a secondary access. Mr. Taylor explained the secondary access was addressed for Phase 3 as a connection to Lakeview, which was bonded and currently under construction. Both of the subdivisions would be completed concurrently and the road would be in place.

The Council discussed the possibility of adding language to state the Lakeview road needed to be at a certain stage of construction before additional building permits would be issued. Mr. Taylor explained as long as construction continues, there would be sufficient access. However, the Council could add language related to the Lakeview road, if desired. Mayor Rubin believed that type of language would be added into the Phase 3 Final Plat rather than the Phase 2A Amended Final Plat.

1 Council Member Baier did not want to see any more occupied units until there was useable  
2 secondary access. Council Member Dwinell suggested tying the issuance of the Certificate of  
3 Occupancy (C/O) to the completion of the secondary access. Language could be drafted to state no  
4 C/O's would be issued for units in Phase 3, including the transferred units until the road was deemed  
5 usable by the Town Engineer. Council Member Baier supported the suggestion. Council Member  
6 Haselton wondered if there needed to be Wasatch County Fire approval. Council Member Baier  
7 explained their approval was not required.

8 Council Member Severini asked if anything had changed since the last meeting as it related to Phase  
9 2A. Mr. Eddington reported Phase 2A Amended was essentially the same as it had been. There were  
10 no infrastructure changes or numeric changes proposed. Mayor Rubin clarified Phase 2 would be  
11 reduced in size because Phase 2A was being removed. The Wasatch County Fire letter only applied  
12 to Phase 3. He believed the Town Council had agreed Phase 3 needed to have full secondary access  
13 before occupancy. The current discussions were about whether the Town Council was in support of  
14 the reduced size of Phase 2. He reminded the Council Members that Phase 2 was currently permitted  
15 to build.

16 Mr. Eddington suggested possible language for a Condition of Approval to add to the Ordinance:

- 17 • The secondary access road between Shoreline Phase 3 and Lakeview Estates should be  
18 complete to accommodate access to and from Shoreline Phase 2 Amended and Phase 3, prior  
19 to the award of any Certificates of Occupancy beyond the initial thirty (30) units.

20 Mr. Taylor liked the language but felt it would be better suited to the Phase 3 discussions. Mr. Gabler  
21 clarified Phase 2 includes 2A, 2B, and 2C. The amendment was for 2A only. Units were being taken  
22 out of 2A and being moved to Phase 3. He further explained parts of 2A would remain. Council  
23 Member Haselton asked about the number of units. Mr. Eddington reported there were forty-seven  
24 (47) total units for Phase 2. Council Member Baier reiterated her concerns about secondary access.  
25 She noted they were looking at forty-seven (47) units which could be built and occupied without a  
26 stipulation that permanent secondary access would be in place for evacuations and emergency  
27 vehicles. Mr. Taylor noted that Phase 2 would have more than thirty (30) units, however the current  
28 discussion was related to moving fifteen (15) lots from Phase 2A to Phase 3. Discussions were had  
29 about occupancy. Mr. Taylor explained the Building Permits were already issued for Phase 2A and  
30 he could not speak to the number of C/O's which had been issued.

31 Town Attorney Polly McLean believed Lakeview would be built but there was always a chance that  
32 it would not be. An appropriate Condition of Approval would state there needed to be secondary  
33 access that met Fire Code requirements; there needed to be year-round access which could be  
34 plowed; and the access road needed to meet the approval of the Town Engineer. This would provide  
35 the ability for the development to move forward if something happened with the Lakeview  
36 subdivision. The Council wondered if it would be possible to place a cap on C/O's until the  
37 secondary access was in place. Ms. McLean explained the secondary access was already in place.  
38 Mayor Rubin reported the secondary access road had been improved in the Spring. The road base  
39 had been put down.

40 Mr. Taylor confirmed the secondary access road was improved in the Spring. The road was sufficient  
41 for Phase 2, but the condition for Phase 3 would include the connection through Lakeview. The  
42 connection was currently under construction and the intention was to have both Shoreline Phase 3  
43 and Lakeview completed by the Fall, which would make the interconnections complete and drivable



before Winter. He agreed with the Condition of Approval suggested by Ms. McLean. Mr. Gabler explained he was present for the meetings with Wasatch County Fire. Phase 2 was stipulated based on the emergency access road, which had been improved. He was not sure why there continued to be conversations about Phase 2 since the requirement had already been satisfied with the emergency access road. When Lakeview was in, there would be permanent access in Phase 3 and permanent access in Phase 2. He reiterated secondary access was satisfied for Phase 2.

Council Member Baier stated it was the responsibility of the Council to ask these types of questions in a public forum. Additionally, she noted the Council Members had not been involved in the same conversations as the developer and Staff. She wanted to ensure that all questions related to access were adequately addressed before the Town Council moved the discussions forward.

Mr. Gabler informed the Council he would be willing to commit to clearing the road if Lakeview was not completely ready by Winter. This would ensure the emergency secondary access remained drivable. Council Member Severini suggested adding that to the Ordinance so it was a formal commitment. Mr. Eddington stated he could draft appropriate language. Mayor Rubin asked if there were two Ordinances. Mr. Eddington explained that everything for Phase 2A Amended and Phase 3 were included in the same Ordinance.

Ms. McLean noted the Ordinance could be amended and made into two separate Ordinances. The facts related to Phase 2A could be pulled out and added to a separate Ordinance if desired. However, it would be the Council's decision. The Ordinance could remain as-is, with amendments, or there could be two separate Ordinances ready for a vote before the end of the Town Council Meeting. Ms. McLean informed Council the public hearings could be combined and the vote could take place after the discussions on Phase 3. She did not know if the applicant would want to amend Phase 2A if there were issues with the approval of Phase 3. The discussions moved onto Shoreline Phase 3.

## **2. Continued Public Hearing, Discussion, and Possible Action on the Final Approval of Shoreline Phase 3 Final Plat**

Mayor Rubin reported the item was a public hearing, discussion, and possible approval of the Shoreline Phase 3 Final Plat. Mr. Eddington reviewed the Staff Report and stated that the fifteen (15) units from Phase 2A would be moved to Phase 3. Phase 3 would have sixty-two (62) units instead of forty-seven (47). Mr. Taylor discussed road widths. At the last Town Council Meeting on the subject, road widths were one of the more difficult issues. He believed a conclusion had been reached. In the current application, the developer submitted three different options, which included the following:

- Option 1: 28-feet, plus curb and gutter, allowing for twenty-six (26)-feet for asphalt and pan;
- Option 2: twenty-six (26)-feet of asphalt, with a reduced high back curb and gutter; and
- Option 3: twenty-six (26)-feet of asphalt with native grass swales on either side (no formal curb and gutter)

The formal curb and gutter had been a previous discussion point. There had been discussions about whether the curb and gutter could count as part of the drivable surface or if it was part of the snow storage and stormwater. Option 3 included twenty-six (26) feet of asphalt with native grass swales on either side. It would meet the intent of the Ordinance. The Town Engineers recommended Option

1 3. Council Member Dwinell asked how deterioration would be prevented on the edge of the road.  
2 Mr. Taylor explained there were a number of possibilities. It would depend on how the grass swale  
3 was built. For instance, there could be grass and topsoil, however, there would likely be a fair amount  
4 of deterioration over time. A strip of road base could be added to hold back the asphalt and act as a  
5 shoulder. Or there could be concrete ribbons. He hoped to hear more about the specifics from the  
6 developers.

7 Council Member Dwinell was not sure he was comfortable with Option 3. Given that grass does not  
8 exist in the Town in any sizable fashion and that there would be a certain amount of water  
9 consumption necessary to keep the grass swales alive, he was not certain that it was a viable option.  
10 Mr. Gabler preferred Options 1 or 2 with the curb and gutter. He explained Option 1 would have  
11 twenty-six (26) feet of drivable surface. It also met the Wasatch County Fire Code and International  
12 Fire Code. He wanted to hear more about which option the Council Members would prefer.

13 Council Member Severini noted he looked at other town road requirements. It seemed in other areas  
14 the options would meet the general requirements. He asked about the reduced high back curb and  
15 gutter listed in Option 2 and wanted to know the width of the reduction. Mr. Gabler explained it had  
16 been reduced to one foot on each side. Mr. Gabler discussed issues with expanding the road to thirty-  
17 one (31) feet overall. He stated it would restrict the units. The development would lose units, the  
18 ability to jog the buildings back and forth, and the ability to have longer driveways. The proposed  
19 road widths would allow for better variation of streetscape and meet the intent of the International  
20 Fire Code.

21 Legal Counsel for the Developer, Wade Budge, felt Council Member Severini brought up a good  
22 point about other cities. He shared a brief presentation related to other areas. During the last Town  
23 Council Meeting, there were a lot of comments related to snow, so he looked at communities which  
24 had a lot of snow. A study had been commissioned. Mr. Budge shared several examples, including  
25 Empire Street, which was twenty-four (24) feet. The Shoreline Phase 3 proposal would have larger  
26 road widths than that. Additional examples were shown. Mr. Budge explained what Council was  
27 proposing was larger than what the Developer had done in any other Phase. He stated Option 1  
28 provided twenty-six (26) feet of usable surface, was consistent with State Code, and wider than the  
29 Council would see in sister communities.

30 Council Member Dwinell appreciated the examples but wanted to know if they had looked at cities  
31 in Wasatch County. Mr. Budge explained they had not. He stated Wasatch County Fire expressed a  
32 preference that there be two additional feet of pavement surface. However, the fact was there was  
33 sufficient surface as determined by the State Code and the International Fire Code. He hoped a  
34 decision could be made regarding road widths so they did not need to continue to have the road  
35 discussions every time a future plat was brought to the Council.

36 Council Member Dwinell noted Wasatch County Fire made its position clear. Additionally, an  
37 Ordinance was crafted last year which codified the requirements. He was uncertain how to balance  
38 the changes based on health and safety with the proposal. Mr. Budge stated the new code was  
39 codified after Shoreline was approved and he did not believe the Ordinance would apply to the  
40 development. He added the health and safety exception in the Development Agreement was very  
41 narrow. It was different than many other Development Agreements. However, they did not want to  
42 just do the twenty-three (23) feet which were done previously. They wanted to provide more width  
43 and be responsive to the concerns. Ultimately, what they were proposing was something that met  
44 the requirements.

Mr. Gabler read from the Wasatch County Fire letter which was included in the packet:

- Roads must include a minimum of twenty-six (26) feet unobstructed width for their entirety*

He did not understand comments which seemed to indicate that Option 1 did not comply with what Wasatch County Fire was asking. It had twenty-six (26) feet of unobstructed width for the entirety. The International Fire Code, which was referenced on the Wasatch County Fire District's website, stated fire access roads could be asphalt, concrete, or other approved driving surface. Mr. Taylor referenced 10.08.14.1 of the Town Code, in which the road standards were broken down into two sections. He reported for the Town Council to permit Options 1 or 2, an exception would need to be granted. Mr. Gabler believed Option 1 was far better than Option 3. Further discussions were had about 10.08.14.1 of the Town Code.

Council Member Baier wondered if mountable curb and gutter was considered a drivable surface. Mr. Taylor explained that when the new road standards were adopted in 2020, Wasatch County Fire stated it was not. They did not consider the concrete curb and gutter to be a drivable surface. As a result, Options 1 and 2 did not comply with the requirements. Mr. Gabler pointed out Option 2 proposed twenty-six (26) feet of asphalt. He also clarified Wasatch County Fire never said the concrete pan, which was in line with the asphalt, could not be included in the twenty-six (26) feet. There was twenty-six (26) feet of flat and drivable surface in the proposed options.

Council Member Baier discussed Option 1 and stated it appeared to meet the requirements of the Wasatch County Fire Code, which was twenty-six (26) feet of drivable surface. Council Member Dwinell also felt Option 1 met the general intent of the drivable surface and felt it would be suitable to grant an exception. It was also possible the Town Council may want to revisit the Ordinance in the future to ensure that the language is consistent with the intent.

Council Member Severini asked about the grading which started from the center of the road and then sloped down to either end at two percent (2%). He wondered if the pan would be consistent with that slope for the mountable outriggers to take advantage of it. It was noted the purpose of the slope was to push water runoff to the side of the road. In terms of the mountable outriggers, Mr. Gabler reported the Fire Department put down large pads and the stabilizer was placed on top of those pads. The pads simply needed to be on solid ground. He informed the Council the pan on each side is eighteen (18) inches and a countable mountable area. The carrying capacity of the concrete pan was higher than the edge of asphalt. Mr. Gabler reiterated they did not want to do Option 3 as there was nothing to stabilize the outside edge of asphalt. It was not the safest option and Option 1 was much safer.

Mr. Taylor reported he had gone over Options 1 and 2 with the Fire Chief and Fire Marshal, who were unable to attend the Town Council Meeting. They felt the options did not meet what had been set in the Town Code or the International Fire Code. As a result, Wasatch County Fire did not have a positive recommendation for Option 1 or Option 2. They did not meet the Town Code which was adopted in 2020, but if the Council wanted to grant an exception, that would be permissible. Mr. Taylor suggested if the Council wanted to grant such an exception, they should list as many reasons as possible to explain why the exception was granted.

Council Member Dwinell agreed there needed to be consistency and was likely to side with Wasatch County Fire. Mayor Rubin reminded the Council Members the developers were granted the authority to build the subdivision prior to the current administration. That authority was also granted under

1 the prior Code. He believed the developers had made an effort to work with the Town of Hideout.  
2 Mayor Rubin was not opposed to the Option 1 solution. While he recognized it was not ideal, it was  
3 much closer to what the Council wanted. He was not against supporting an exception. Council  
4 Member Haselton believed an exception would set a precedent for other developments in town.  
5 Mayor Rubin noted that the reason for the exception would be the development was grandfathered  
6 in under the prior Code.

7 Ms. McLean explained this was ultimately the decision of the Town Council, as Wasatch County  
8 Fire could only issue a recommendation. The development was vested under the 2009 Town Code,  
9 but an exception could be made for health and safety issues. Staff's position was there were health  
10 and safety issues. Council Member Severini asked for additional details about the Wasatch County  
11 Fire concerns. Mr. Taylor explained Wasatch County Fire supported Option 3 because it met the  
12 intent of the Code. The concern with Option 1 was during the winter, ice and snow would melt,  
13 refreeze, and accumulate in the gutter, which would make it impossible to put outriggers on anything  
14 other than firm asphalt surface during the winter months. Mr. Taylor stated Wasatch County Fire  
15 wanted twenty-six (26) feet of unobstructed asphalt, plus the shoulder, curb, and gutter or storm  
16 drain. They had historically not considered the shoulder, curb, and gutter, or storm drain to be a  
17 drivable surface.

18 Mr. Gabler shared the official letter from Wasatch County Fire, which was provided two years ago.  
19 He wondered if Wasatch County Fire had since changed their position. He re-read the language  
20 related to the unobstructed road width. Mr. Taylor explained their opinion was the curb and gutter  
21 was obstructed during certain times of the year. In 2020, the Town Council worked closely with  
22 Wasatch County Fire to come up with a minimum road standard which would be safe. 10.08.14.1 of  
23 the Town Code referenced twenty-six (26) feet, plus the curb and gutter. Mr. Gabler had a difficult  
24 time understanding why Option 3 would be preferable to Wasatch County Fire. If they were  
25 concerned about snow and ice in the gutter, the grass swales included in Option 3 would be muddy  
26 and snowy. He felt Option 1 was much better. Mr. Gabler added that the third option was more  
27 affordable to install but would not make for a well-designed community. He shared other road width  
28 examples from the Town of Hideout for reference.

29 Council Member Haselton asked for more information about the curb and gutter design. Mr. Gabler  
30 explained it was the same curb and gutter GCD had done in all of their developments. There was  
31 two-point-five (2.5) feet of concrete, eighteen (18) inches of pan, and twelve (12) inches of modified  
32 curb. Council Member Nadelberg believed the real issue was the fact that some of the road width  
33 would be lost due to snow and ice during certain times of the year. He believed instead of looking  
34 at the road materials, it should be made clear how much width Wasatch County Fire was concerned  
35 about losing due to snow and ice accumulation. He wanted to understand the projected loss which  
36 needed to be accounted for. Mr. Gabler pointed out there was no wording in the Town Code or  
37 International Fire Code related to that scenario. None of the Codes considered what might be lost.

38 Mayor Rubin explained part of the Public Works effort included pushing the snow back to clear the  
39 area to the curb. This was normal practice after a significant snowfall. Mr. Gabler noted with a solid  
40 concrete curb it would be possible to drive perpendicular to the curb and clear all of the snow because  
41 there was a solid concrete curb holding the edge of the asphalt. Council Member Severini wondered  
42 if it would be possible to remove the pan in Option 1 and put asphalt there instead. He wanted to  
43 know if that would comply with the desires of Wasatch County Fire. There was discussion regarding  
44 the suggestion. Mr. Taylor explained it would not counter the Wasatch County Fire concerns.  
45 Replacing the curb with asphalt was not consistent with what Wasatch County Fire believed

1 complied with the Code. They wanted to see a storm drain system outside of the twenty-six (26) foot  
2 unobstructed width. He noted there was no real value to Option 2 and Options 1 or 3 would be  
3 preferable.

4 Mr. Gabler reiterated if the road became wider, the development would lose the ability to jog the  
5 buildings and vary setbacks on the streetscape. There would also be a loss of landscaped areas and  
6 the Town would be responsible to service more asphalt in the future. Council Member Nadelberg  
7 commented he would be uncomfortable voting against something that the Fire Marshal  
8 recommended. Mr. Gabler referenced the Deer Waters development, which was north of the  
9 Shoreline development. Everything on that side was twenty-seven (27) feet curb-to-curb. There was  
10 also a rock wall six (6) inches off the back of the curb. He wanted to make sure all of the future  
11 landscaped walls were four (4) to five (5) feet back from the curb to ensure there was plenty of room  
12 for snow removal.

13 Mayor Rubin asked the Town Council to discuss other aspects of Phase 3 and revisit the road width  
14 discussion later in the meeting. Mr. Eddington further reviewed the Staff Report. He noted there had  
15 been some questions related to open space at the last meeting. The project was vested under the 2009  
16 Town Code and the 2010 Master Development Agreement (“MDA”) and did not need to meet the  
17 current open space requirements. Mr. Eddington reported the proposal did meet the requirements of  
18 the 2009 Town Code and 2010 MDA. He compared the proposal to the current Code. Based on the  
19 current Code, as a forty-seven (47)-unit subdivision, there would be a requirement for 1.41 acres of  
20 public open space or about fourteen percent (14%) of the subdivision area. If the proposal was  
21 viewed through the current Code requirements, there would be three (3) to five (5) percent. While  
22 the proposal would not meet the current Code requirements, it did not need to, since it met the 2009  
23 Town Code and 2010 MDA requirements.

24 Mr. Eddington explained the applicant expanded the trail proposal significantly. There was a solid  
25 east-west trail along the north side as well as a trail that utilized the Public Utility easement, which  
26 was recommended in the Parks, Open Space, and Trails Plan, which was incorporated into the  
27 proposed plans. Mr. Eddington noted there had been discussions during the last meeting regarding  
28 access to the State Park lands. He asked if the developer would consider working with the Town to  
29 coordinate possible trail connections to State Park lands by dedicating a ten-foot (10’) by ten-foot  
30 (10’) area. Mr. Gabler was more than willing to work with the Town to facilitate whatever was  
31 necessary to create a legal connection from the Shoreline property to the public trails. The Council  
32 stressed the importance of legal and approved trail access.

33 Mr. Gabler shared the Landscape Plan with Council Members. Mr. Eddington stated Staff would  
34 work with Mr. Gabler and present the information to the Parks, Trails, and Open Space Committee,  
35 noting it would be beneficial to receive their input on the final design. Mr. Gabler overviewed the  
36 Landscape Plan and stated Phase 3 alone had more than two hundred thirty (230) trees proposed and  
37 fifteen hundred (1,500) shrubs and plants.

38 Mr. Eddington discussed density. He explained that there were fifty (50) Equivalent Residential  
39 Units (“ERU”) for Phase 1, forty-seven (47) for Phase 2, and sixty-two (62) for Phase 3. There would  
40 be one hundred fifty-nine (159) ERU’s in total. The applicant was not proposing any units over five  
41 thousand (5,000) square feet, which was in compliance with the 2009 Town Code and 2010 MDA.  
42 He noted there were no density issues with what was proposed for Phase 3. Mr. Eddington discussed  
43 future amenities. The swimming pool, Community Meeting Room, and amphitheater were all part  
44 of a subsequent phase. However, he reminded the Council Members the future amenities were not

1 part of the current considerations. The Council was only looking at Phase 2A Amended and Phase  
2 3.

3 The grading and stormwater requirements were overviewed. Mr. Eddington stated there were  
4 recommendations in the Staff Report related to working with the Town Planner and Town Engineer  
5 to finalize some of the grading requirements. Mr. Taylor added there was a Condition of Approval  
6 listed specifying an updated Grading Plan may be needed, depending on whether the Town Council  
7 approved the exception of the road width. Mr. Taylor also wanted to see information related to the  
8 trails on the final Grading Plan. For instance, the trail under the power line would be built across  
9 some steep slopes. It was important to make sure it was buildable and would not create unstable  
10 slopes.

11 Mr. Taylor shared a comment related to street names. He explained there was a concern that the  
12 connection between Shoreline Phase 3 and Lakeview changed from Deep Water Drive to Lagoon  
13 Drive, which was not best practice. He noted the Council could approve the proposed name change  
14 or direct Staff to work with the owners to try to come up with one continuous road name. Council  
15 Member Dwinell felt it was important to stipulate the road name needs to be continuous. Mr. Gabler  
16 was fine with that.

17 Mr. Eddington discussed Item 10 on the Staff Report. He explained the proposal specified there were  
18 three distinct building elevations. Mr. Gabler reported there were eight (8) different elevations.  
19 Additionally, he would approach the Design Review Committee with two different color schemes.  
20 This would create sixteen (16) different possibilities and allow the development to have more  
21 variation.

22 The Staff recommendations were overviewed. Mr. Eddington stated the recommendation for Phase  
23 2A Amended was to approve it as proposed and conditioned in the Staff Report. He reminded the  
24 Council Phase 2A Amended would remove fifteen (15) of the units and move them into Phase 3.  
25 Mr. Eddington reported approval was recommended for Phase 3, but it seemed there were still  
26 discussions to be had related to road width and the best option. He felt that those discussions should  
27 continue before the Council voted on the item. Mayor Rubin suggested the Council hear public  
28 comments before continuing the road width discussions.

29 At 8:19 p.m., Mayor Rubin opened the public hearing. He reported there had been a question posed  
30 in the Zoom chat box during the discussions related to the size of the curb and gutter. Mayor Rubin  
31 clarified the proposed curb and gutter was the standard size seen throughout the Town of Hideout.

32 John Leone commented there needed to be a happy medium as it relates to the road width  
33 discussions. He understood the concerns on both sides but felt a compromise was necessary. Mr.  
34 Leone also felt a representative for Wasatch County Fire should be at the meeting. His main concern  
35 was the roads were durable and would last. Mr. Leone thanked Mayor Rubin for answering his  
36 question related to the curb and gutter size. Mr. Taylor shared additional information related to the  
37 proposed curb and gutter as well as the snow and ice concerns. Mr. Leone wondered if a precedent  
38 would be set for future builders if Phase 2A Amended and Phase 3 were to move forward. Mayor  
39 Rubin explained anything new would need to comply with current Code. Anything with preexisting  
40 authorizations was vested under the prior Code. He added there were different MDA's for different  
41 developments. There were a limited number of things which could be changed about a prior  
42 approval. However, health and safety concerns could lead to changes in some instances such as this  
43 one.

1 Mr. Gabler was willing to offer an updated Option 1 for the Council to consider. It would add one  
2 additional foot to the road width, which would equal twenty-nine (29) feet overall. He felt this option  
3 could satisfy the concerns.

4 Nate Brockbank did not like the landscaping at Deer Waters and Shoreline but appreciated the extra  
5 trees and bushes which were proposed for the next phases of Shoreline. Mr. Brockbank noted there  
6 was a power line Mr. Gabler had run down the property line. He was surprised there was not an  
7 Ordinance to state overhead power was not preferred, which lead to the views of his lots having a  
8 view of a power line rather than the reservoir. Mr. Brockbank stated the bid to bury the power line  
9 was \$200,000. He hoped something could be worked out with Mr. Gabler because he did not think  
10 the power line placement was ethical or fair. Mr. Taylor explained this was a vested Code issue. The  
11 new Town Code spoke to those kinds of issues but the vested Code did not state anything  
12 specifically. Mr. Gabler was happy to discuss the issue with Mr. Brockbank the following week.

13 Carol Tomas asked for more information on performance bonds. Mayor Rubin reported the Town  
14 of Hideout did not allow vertical construction without a performance bond in place. However, they  
15 did allow earth moving. There was a risk that a developer could leave partway through the earth  
16 moving and there would be a mess for the Town to clean up. Mr. Taylor explained there was a 10%  
17 cash bond as part of the Construction Permit. If a developer were to abandon a project mid-way  
18 through construction, that bond would provide funds to stabilize the area. Ms. Tomas noted there  
19 had been a commitment in which the lots in front of her home would not be more than one story.  
20 Mayor Rubin asked that she provide her contact information so the Town Planner could discuss the  
21 Code on height restrictions and the approved topography associated with the area at a later date.

22 Jeff Turner noted Wasatch County Fire said they needed twenty-six (26) feet of road width. Mr.  
23 Gabler had gone above and beyond and had now proposed twenty-nine (29) feet. While Mr. Taylor  
24 stated there had been conversations with Wasatch County Fire, no one from Wasatch County Fire  
25 had bothered to attend the meeting and as a result, those conversations were hearsay. Staff preferred  
26 Option 3, but he did not feel it would work in the Town of Hideout. The intention of the proposal  
27 was to make the development look classy. Mr. Turner believed the Town Council should approve  
28 the development. Council Member Baier explained that the Council relied heavily on Staff. She did  
29 not doubt Mr. Taylor had spoken to Wasatch County Fire. While representatives were sometimes  
30 able to attend Town Council Meetings, she understood that Wasatch County Fire was very busy.  
31 She was grateful that Mr. Taylor was able to relay the facts of those conversations. The Council  
32 intended to strike the right balance between aesthetics and safety. Council Member Dwinell and  
33 Mayor Rubin expressed appreciation for Staff.

34 There being no further public comments, Mayor Rubin closed public input at 8:46 p.m.

35 Council Member Baier was pleased about the twenty-nine (29)-foot offer from Mr. Gabler for Phase  
36 3. She wondered if he would be willing to have a thirty-one (31)-foot road width for the future  
37 Shoreline phases. Mr. Gabler stated they would be willing to commit to twenty-nine (29) feet for the  
38 rest of the Shoreline development. Council Member Baier noted power lines were mentioned during  
39 public input. Most residents do not want to see power lines. Mr. Gabler explained there were two  
40 types of power lines through Shoreline including transmission and distribution lines. Some  
41 distribution lines had been moved. Several years ago, when he spoke to Rocky Mountain Power  
42 about the possibility of burying the lines, they were unwilling to do so. However, he could approach  
43 them again.

1 There was discussion regarding the potential to bury power lines. Mr. Taylor noted the issue which  
2 Mr. Brockbank brought up had more to do with aesthetics than safety. Council Member Baier stated  
3 power lines could be the source of wildfires. For safety and aesthetic purposes, it would be beneficial  
4 to bury the lines. Mr. Gabler clarified the distribution lines were moved by Rocky Mountain Power.  
5 The poles had tipped slightly but were stood back up vertically. Council Member Severini wondered  
6 if a plan could be put in place to maximize the viewshed. Mr. Taylor explained the intent of the new  
7 Town Code was to ensure power lines would be underground in all future development. Mayor  
8 Rubin commented Staff could look into a potential Pole Master Plan to improve the viewshed.

9 Council continued the discussion related to road widths. Council Member Dwinell was pleased Mr.  
10 Gabler had offered another foot of road width, but he was concerned the Council decision would set  
11 a precedent. While an exception could be offered, he did not want to set a precedent by doing so.  
12 Additionally, if the current Code was not specific enough or needed to be changed, the Council  
13 would likely need to look at it again. Council Member Dwinell understood different Fire Districts  
14 had different interpretations, but Wasatch County Fire was clear about what they wanted.

15 Council Member Haselton asked if it was possible to have the road be twenty-six (26) feet which  
16 would allow the storm drain to occupy the remaining three (3) feet. Mayor Rubin pointed out Option  
17 3 did that. He believed it created more issues than Option 1 with the additional one (1) foot. Mr.  
18 Gabler explained the updated Option 1 would add an extra foot of asphalt but keep the same curb  
19 and gutter design. He believed that was fair.

20 Council Member Severini asked if Option 3 was still the preferred Staff option. Mr. Taylor reported  
21 based on earlier discussions, Option 3 was how Staff had prepared the Staff Report. Option 3 met  
22 the Town Code and the intent of separating the stormwater and snow storage from the road. The  
23 ultimate decision would be up to the Town Council. Council Member Dwinell was not a fan of  
24 Option 3. He wanted to understand why Option 3 would be preferred by Staff. It was noted the  
25 setback was not as impacted as much with Option 3. Council Member Haselton wondered how  
26 Option 3 was more of a benefit than Option 1. Mr. Taylor did not know that it was necessarily more  
27 beneficial. There were two styles of road including a more formal urban style with curb and gutter  
28 and a more rural style without curb and gutter. The Town had both. Council Member Haselton was  
29 torn on an appropriate road width.

30 Council Member Dwinell asked if it would be possible to make an exception for the setback rather  
31 than the road width. Mr. Taylor explained this had been discussed with the applicant. Mr. Budge  
32 appreciated the creative suggestion but noted the setbacks were an Ordinance. The appropriate  
33 process would involve seeking a variance. He reported a variance was a very different process and  
34 five (5) criteria needed to be met, which were set by State Code. Mr. Gabler added he would not  
35 want to have eighteen (18) or fifteen (15)-foot driveways.

36 Council Member Baier thanked Messrs. Eddington and Taylor for their work as well as Mr. Gabler  
37 for being willing to entertain different options. With the twenty-nine (29)-foot proposal offered by  
38 Mr. Gabler, the exact Wasatch Fire Code standards might not be met but the development would be  
39 much closer. This was a level of compromise she had not expected. She felt there had been good  
40 conversations with the developer. As a Council, it was important to consider the give and take. She  
41 was concerned about setting a precedent and it was important to find a way to make an exception  
42 without doing so. Council Member Dwinell agreed but was not sure how the Council could avoid  
43 setting a precedent. Mayor Rubin believed it was a matter of legal opinion. The development was  
44 vested under the old Code and it was under a different MDA. If the Council chose to adopt the



1 twenty-nine (29)-foot option, it would be wider than almost anything on the uphill side of Town or  
2 anything in the pre-existing Town.

3 Mayor Rubin agreed with Mr. Gabler about the driveway lengths. Shortened driveways were more  
4 likely to cause interference with the flow of traffic than the occasional event where there was snow  
5 and ice in an emergency. Council Member Dwinell also preferred the longer driveways but had been  
6 trying to come up with some creative solutions. Mr. Eddington explained that if the Council wanted  
7 to make an exception for the development it would be important to include some of the reasons in  
8 the Ordinance.

9 Council Member Severini felt there had been a good compromise made with the offer for the  
10 additional foot of road width. He believed that added more value to the Option 1 proposal. Option 3  
11 would likely cost the Town more in the long run due to repairs and maintenance. Council Member  
12 Severini discussed the issue of precedent and noted that there was a lack of additional input from  
13 Wasatch County Fire. He would prefer to hear more about the reasons behind their recommendation.  
14 Council Member Severini was willing to compromise but did not want to have the same  
15 conversations for each phase of the development. He wondered if the developer would be willing to  
16 meet the current Town Code requirements for the future phases.

17 Mr. Taylor noted some good points had been raised related to the Town Code. It may be appropriate  
18 to grant an exception for Phase 3 and then agree to revisit the Town Code in the future. Council  
19 Member Dwinell outlined the developments which were approved prior to the 2020 Town Code,  
20 including Deer Springs, Deer Waters and Lakeview Estates, in which all had agreed to include thirty-  
21 one (31)-foot road widths. Only Shoreline could claim a precedent was set. If the Council could  
22 receive a commitment from the developer for thirty-one (31)-foot road widths for the future phases,  
23 there would be no issue of precedent.

24 Council Member Nadelberg believed the streets in the Shoreline development were too narrow. He  
25 felt it was a safety hazard and the overall level of safety was non-negotiable. He could not approve  
26 the narrower streets and did not feel comfortable going against the Wasatch County Fire  
27 recommendation.

28 Council Member Severini wondered if Mr. Gabler would be willing to make a determination on road  
29 widths for future phases. Mr. Gabler explained since they did not know what future phases would  
30 look like, it was difficult to make a commitment to thirty-one (31)-foot road widths. However, he  
31 was willing to commit to at least twenty-nine (29) feet on all future phases. Mayor Rubin was unable  
32 to vote on the matter but considered this to be a solid step forward and a good compromise. Council  
33 Member Baier agreed. She wanted to see the Council move forward with Phase 3 and the twenty-  
34 nine (29)-foot road widths knowing that the future phases would not be less than twenty-nine (29)  
35 feet. The updated version of Option 1 made the most sense.

36 Council Member Severini liked that direction but hoped Mr. Gabler would be willing to work with  
37 Messrs. Eddington and Taylor to get as close to thirty-one (31) feet as possible in future phases while  
38 the Town looked at the Town Code to consider modifications. Mr. Gabler stated that they could  
39 make the commitment to not do less than twenty-nine (29) feet on all future roads. He would be  
40 willing to look at the roads further as long as the Council could look at possibly amending the Town  
41 Code. Council Member Severini felt that was fair. Council Member Dwinell believed the intention  
42 was to strive to meet the new Town Code wherever possible. He was on the same page as Council  
43 Member Baier given the commitments Mr. Gabler had made. There was discussion about potential

language to add to the Conclusions of Law section of the Ordinance. For instance, future phases would not be less than twenty-nine (29) feet and where possible, could be increased. Town Council would also agree to look at the Town Code.

Mr. Eddington reported he made amendments to the Ordinance during the Council Member discussions. He explained the Ordinance remained the same as in the packet except for the changes made, which were highlighted in yellow. The changes were overviewed:

- Language related to Phase 2 had been clarified to state: Phase 2A Amended;
- The Findings of Fact section noted the applicant proposed a twenty-nine (29)-foot road, with twenty-four (24) feet of asphalt, plus five (5) feet of mountable curb;
- Option 3, which had twenty-six (26) feet of asphalt with swales and the related conditions had been removed
- The Conditions of Approval section stated streets would be constructed to twenty-nine (29) feet, with twenty-four (24) feet of asphalt and five (5) feet of mountable curb. This was based on the unique circumstances outlined:
  - Topography and density in Phase 3;
  - The time the applicant had dedicated to the project, which involved a substantial amount of effort related to the layout;
  - The applicant had agreed to roads not less than twenty-nine (29) feet and would look into additional opportunities to meet the 2020 Town Code
- Clarifications were made related to the proposed architecture and variation;
- The developer agreed to dedicate a 10x10 area to connect to State Park lands for possible future trail connections;
- The applicant would work with the adjacent developer and Rocky Mountain Power to explore whether it was possible to relocate the previously placed utility poles underground; and
- There was language related to the emergency access road requirement. If the connection with Lakeview did not occur, the developer would commit to snow plowing the emergency access road if the connection with Lakeview was not asphalted by the fall.

Ms. McLean suggested adding language to specify the intent of the Council was the approval would not set a precedent for future phases related to road widths less than twenty-nine (29) feet. Discussions were had about the best language for a condition specifying that no C/O's would be assigned in Phase 3 until the permanent road is in place or there is a suitable emergency access road.

Council Member Baier noted the Council had not discussed what would happen to the emergency access road once the permanent secondary access road was available. She wondered if it would be restored to become a trail. Mayor Rubin explained it could become a trail but it needed to be something emergency vehicles could drive on, in case the other roads are blocked. This had already been agreed to in prior approvals. He added Wasatch County Fire requested in the event of an

emergency, the emergency access road not be restored in a way which would prevent a vehicle from using the road. Suitable language was discussed. Mayor Rubin explained, stating the emergency access road could be converted to a trail – accessible by emergency and utility vehicles – would be appropriate.

Mayor Rubin thanked Staff for their hard work and Mr. Gabler for his willingness to compromise. Council Member Nadelberg wanted to confirm voting in favor of the Ordinance, as revised, would allow there to be a one-time exception to reduce the road width recommended by Wasatch County Fire. Mayor Rubin confirmed this and asked for a motion from the Council.

***Motion: Council Member Dwinell moved to adopt an Ordinance to approve the Shoreline Phase 2A Amended and Phase 3 Subdivisions, located in Hideout, Utah, as modified. Council Member Severini made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, and Severini. Voting Nay: Council Member Nadelberg. Motion passed 4-1.***

### **3. Continued Public Hearing and Review of the Fraud Risk Assessment Questionnaire and Discuss Ways to Improve Controls for the Town of Hideout.**

Town Administrator Jan McCosh reported the above item was related to the Fraud Risk Assessment Questionnaire. It was a new requirement from the State to reduce risk in financial operations. She identified the biggest issues with the assistance of Town Treasurer, Wes Bingham, which related to the separation of duties. Ms. McCosh explained during the COVID-19 pandemic, when everyone was working from home, the separation of duties shifted. The Town was fortunate enough to add another Staff Member and would be able to move forward with a better separation of duties.

Mayor Rubin informed the Council the State issued guidelines and the Fraud Risk Assessment Questionnaire. He overviewed the questionnaire and explained points were awarded based on the answers. Mr. Bingham and Ms. McCosh determined that the Town of Hideout currently has 270 points. One of the issues was that the Town is weak on written policy. He stated in 2019, the Council was asked to commit to the Ethical Behavior Practices, but it had not been done in 2020 due to Staff turnover. However, as long as all Council Members were willing to respond to the document before June 30, 2021, the Town would gain an additional 20 points. Doing so would move the Town of Hideout from 270 points to 290 points, which would give the Town a moderate rating. Mayor Rubin believed it was possible to address the gaps and move into a low-risk category fairly quickly.

Council Member Dwinell asked what the score was previously for the Town of Hideout. Mayor Rubin explained this was a new format. Ideally, the Town wanted to be in the low-risk category. Council Member Baier felt the goal should be to move into the low-risk category. She asked about a potential timeline to handle the written policies. Ms. McCosh explained she and the Mayor had a meeting set for Friday to address some of the issues. Additionally, a new Staff Member had recently started, which would allow the Town to further separate duties and create policies. Mayor Rubin believed before the Fraud Risk Assessment Questionnaire was due the following year, all of the necessary policies would be in place. Council Member Baier suggested a quarterly report to highlight what had been accomplished and what still needed to be done. Mayor Rubin was in support of the idea.

Mayor Rubin opened the public hearing at 10:10 p.m. There were no public comments. The public hearing was closed at 10:11 p.m.

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

At 10:12 p.m., Mayor Rubin opened the public input portion of the meeting. He reported there had been several emails submitted from residents. Two constituents had commented on Shoreline Road. One was a walk-in comment and another was an email. It was noted that speeding was still an issue on Shoreline Road. Mayor Rubin explained there had been Sheriff Department presence and speed signs were posted. He noted the Town could look into a temporary or removable speed bump as well as additional speed signs. Mayor Rubin reported an email was received in support of the Dark Skies Ordinance. He believed Mr. Eddington would provide an update on that Ordinance at the July 8, 2021, Town Council Meeting. Another email was received to voice concerns about the power lines by Shoreline. If there were still concerns after inspection, Mr. Taylor would contact Rocky Mountain Power.

Council Member Baier stated there were occasions where she wanted to respond to some of the questions in the shared email mailbox. However, she did not have permission to do so. Mayor Rubin explained that Staff usually answered the emails to ensure the responses were consistent. Council Member Baier asked anyone from the public who wanted to hear from a specific Council Member remember to send the email to the specific Council Member's email address.

Brian Reeve shared comments related to the emergency access road which was discussed during the Shoreline development portion of the meeting. It sounded like the emergency access road would remain even after the secondary access was connected. Mayor Rubin confirmed this but clarified it would be fenced on both ends. It was a requirement of Wasatch County Fire. Mr. Reeve noted this was a surprise because many were expecting the emergency access road would become a ten (10)-foot trail rather than remain a twenty-six (26)-foot emergency access road. Mayor Rubin explained when the plat was approved by the Town Council, it was included in the approvals. He did not know it needed to remain the full twenty-six (26) feet and asked Mr. Taylor to look into this further.

There was no further public input. The public input portion of the meeting was closed at 10:24 p.m.

**V. Agenda Items****1. Discussion and Possible Approval of an Adjustment for Planning Fees and Water Rate Increase.**

Mr. Eddington overviewed the adjustments for Planning Fees. Over the last year, some changes had been made and application fees were created to include overage costs. He shared the Planning Fees chart with Council and highlighted the Concept Review as an example. The current fee was \$2,000 which was divided between Planning, Engineering, and the Town. Mr. Eddington explained the approach was challenging because there was not always enough and then the Town needed to collect the money. As a result, the proposed adjustment would see some changes made to the fees. For instance, the Concept Review would shift from \$2,000 to a \$1,000 application fee and a \$2,500 escrow fee with one Planning Commission Meeting. At the bottom of the Planning Fees chart, there was information about the costs associated with extra meetings. Mr. Eddington reported an analysis was done on neighboring communities and the proposal was in line with other areas.

Council Member Dwinell wondered if there was a system in place in terms of accounting. Ms. McCosh reported the Town was in the process of making refinements to the accounting system to accurately reflect the changes in billing. Fine-tuning was still taking place. Mayor Rubin explained

the system had the functionality, but needed to be set up appropriately to manage the changes. Discussions were had about the escrow fees. Mayor Rubin stated if there were any funds left after approval, the remaining funds would be returned to the applicant.

Ms. McCosh discussed the changes related to the Water Service Rates. She explained Jordanelle Special Service District (“JSSD”) increased its water rates the previous year. However, the Budget Committee decided not to pass that increase on to residents at that time due to the uncertainty of the COVID-19 pandemic. There was another increase this year. As a result, the proposed fee increase was a two-year increase, as it would account for the previous year increase as well. Council Member Dwinell wondered if the rates listed were the direct JSSD rates or if there was some overhead added. Ms. McCosh reported the rates listed were from JSSD. However, the sewer rate had a small administration fee.

Mayor Rubin was concerned about having enough to take care of maintenance for the system. Ms. McCosh believed the Council would need to plan on that type of increase the following year. There needed to be further study about what the costs would be. Mayor Rubin stated the current proposal was to increase the rates but it was important to recognize the rates may need to be revisited in the future. Council Member Baier wanted to know what would happen if the Resolution was not adopted during the current Town Council Meeting. Mayor Rubin stated money was lost each month. He would rather the Resolution be adopted and looked at again rather than the Town continue to lose money. Ms. McCosh reported there would be an announcement on the next bill if the Resolution was approved. The new rates would become effective as of August 1, 2021.

***Motion: Council Member Haselton moved to approve a Resolution Adopting Fee Schedules and Policies for Planning, Subdivision, Sign Code, Water Impact Fees, and Water Service Use and Other Fees. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. The motion passed unanimously.***

## **2. Discussion and Consideration of an Ordinance Amending Hideout Code Title 6, Chapter 8 Fireworks & Ignition Sources.**

Ms. McLean reported at the last Town Council Meeting, there was discussion about fireworks and ignition sources. She had since suggested some adjustments be made to the language. Town Attorney, Cameron Platt, had also been working on the proposed language and looked into different restrictions across the State. Ms. McLean believed the language could be simplified, and shared a proposed update for Title 6, Chapter 8. She explained the Town of Hideout was considered a high-risk area. The proposed changes would remove the negligence standard and state the following:

- No open flames, except campfires built within facilities provided for them in improved campgrounds, picnic areas, or permanently improved places of habitation

Ms. McLean stated the language would allow residents to have an open flame near their home. Mayor Rubin did not believe it was wise to have open flames in a backyard fire pit. It was an ember source and the embers could be picked up by the wind which could lead to fires in dry areas. The only way to prevent that was not to allow open flames outside. Ms. McLean offered to rework the language and bring the Ordinance back to the Council for review at a future meeting.

**3. Discussion and Consideration of an Ordinance Providing for Municipal Restriction of Fireworks and Ignition Sources within all Portions of the Town of Hideout and Adoption of a Map of the Restricted Area.**

Ms. McLean reported the State Code allowed for the ban of fireworks, but the Town needed to explain the decision. The packet contained a letter from Wasatch County Fire regarding Full Fire Restrictions. It included all of the restrictions imposed by the State of Utah under the Stage 2 Fire Restrictions. Ms. McLean explained the letter stated the Town of Hideout was a high fire risk. Section 1 of the Ordinance allowed for fireworks to be banned year-round. Section 2 of the Ordinance included the following language:

- No cutting, welding, or grinding metal in areas of dry vegetation, unless the areas where the work is being done is thoroughly wetted down and the areas are kept wet throughout the process;
- No operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor; and
- Building, maintaining, attending, or using any fire campfire or stove fire is prohibited until November 15, 2021. This included charcoal grills and barbecues, coal and wood-burning stoves, and tent stoves and included use at homes and in developed camping and picnic grounds

Mayor Rubin asked what the difference was between Title 6, Chapter 8, and the proposed Ordinance. Ms. McLean explained the Ordinance was an annual Ordinance required by State Code. It would allow the Town to ban fireworks due to dangerous conditions. It needed to be passed for the July holidays. Council Member Haselton asked about enforcement at Ross Creek on the July 4th weekend. Mayor Rubin reported the ban the County put in place would cover that area. However, Staff could reach out to Jordanelle State Park to find out what their enforcement plan was.

Council Member Baier asked about enforcement in the Town of Hideout. Mayor Rubin noted they did not have the resources to patrol throughout the night. Residents could call the Sheriff's Department, if necessary. Alternatively, residents could capture proof of a violation on a cell phone or write down the date, time, and person responsible to file a complaint the following day. The Council noted there were signs posted throughout the Town to let residents know about the restrictions.

***Motion: Council Member Baier moved to adopt an Ordinance providing for the municipal restriction of fireworks and ignition sources within all portions of the Town of Hideout. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed unanimously.***

**4. Discussion and Determination of June 29, 2021, Board of Canvassers Meeting held In-Person or Via Zoom Conference Call.**

Town Clerk, Alicia Fairbourne asked the Council Members to discuss whether they would prefer to hold the Board of Canvassers Meeting in-person or via Zoom. There was nothing stated explicitly in the law requiring the proclamation to be signed the same day. It could be signed the next day. Council Member Baier preferred a Zoom meeting. She wondered if the Council would need to come

to Town Hall to sign the proclamation. Ms. Fairbourne explained Staff would coordinate a time for the Council Members to sign. It was determined that the meeting would be held via Zoom.

**I. Closed Executive Session - Discussion of Pending or Reasonably Imminent Litigation, Personnel Matters and/or Sale or Acquisition of Real Property, as Needed.**

There being no further public business, Ms. McLean reported that she had a brief update to share with Council Members and Mayor Rubin asked for a motion to close the public portion of the meeting in order to hold a closed Executive Session.

*Motion: Council Member Nadelberg moved to close the public portion of the meeting and move into a Closed Executive Session for discussion of pending or reasonably imminent litigation, personnel matters, and/or the sale or acquisition of real property. Council Member Haselton made the second. Voting Aye: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed.*

At 11:08 p.m., the public session was closed and the meeting moved into a Closed Executive Session.

After a short recess, the Closed Executive Session convened at 11:13 p.m.

**Present:** Mayor Phil Rubin  
Council Member Chris Baier  
Council Member Jerry Dwinell  
Council Member Carol Haselton  
Council Member Bob Nadelberg  
Council Member Ralph Severini

**Staff Present:** Town Attorney Polly McLean

**VI. Meeting Adjournment**

At 11:35 p.m., Mayor Rubin asked for a motion to move into public session and adjourn the meeting.

*Motion: Council Member Nadelberg moved to adjourn the meeting. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed.*

The meeting adjourned at 11:35 p.m.

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Alicia Fairbourne, Town Clerk

**Minutes**  
**Town of Hideout**  
**Town Council Regular Meeting**  
**July 08, 2021**

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on July 08, 2021 at 6:00 p.m. electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

**Regular Meeting**

**I. Call to Order**

**1. Mayor Rubin's No Anchor Site Determination Letter**

Mayor Rubin Called the meeting to order at 6:01 p.m. and reminded participants the meeting was held electronically with no anchor site due to the ongoing COVID-19 pandemic.

**II. Roll Call**

**Present:** Mayor Phil Rubin  
 Council Member Chris Baier  
 Council Member Jerry Dwinell  
 Council Member Carol Haselton  
 Council Member Bob Nadelberg  
 Council Member Ralph Severini

**Staff Present:** Town Attorneys Polly McLean and Cameron Platt  
 Town Administrator Jan McCosh  
 Town Planner Thomas Eddington  
 Town Engineers Ryan Taylor and Dillon Bliler  
 Town Clerk Alicia Fairbourne

**Others Present:** Justin Hatch, Amy Davies, Mary Freeman and others who may not have logged into Zoom using their full or proper name, or who dialed in using only a phone number.

**III. Approval of Council Minutes**

**1. October 12, 2020 Town Council Meeting Minutes DRAFT**

*Motion: Council Member Severini moved to approve the minutes with noted corrections. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed. Motion passed.*

Due to time constraints and several guest speakers, Mayor Rubin moved the public input section of the agenda to later in the meeting.



#### IV. Agenda Items

##### 1. Discussion with Heber Valley Animal Services

Mayor Rubin introduced Heber Valley Animal Services Director, Justin Hatch. The Town had recently contracted with Heber Valley Animal Services in order to provide greater response in regard to the need for animal services and enforcement of Municipal Code.

Mr. Hatch spoke about some of the services Heber Valley Animal Services provided, including enforcement of leash laws, response to aggressive animals, shelter for lost animals, and animal adoption services. Council Member Baier asked what the preferred procedure was in order to enforce compliance with leash laws, to which Mr. Hatch stated Wasatch County Sheriff's Office should be contacted in order to dispatch an Animal Services Officer. With regard to the recent dog attacks in Hideout, Mayor Rubin asked Mr. Hatch to send a report of action which was taken, including legal action, if any. Mr. Hatch noted he would be patrolling two (2) to three (3) times per week. Mayor Rubin noted instructions for residents would be included on the Town website.

##### 2. Continued discussion and possible action of the Sewer Master Plan

Mayor Rubin presented the Hideout Sewer Master Plan and recapped discussions held in previous meetings, noting the Council had asked for a chance to review the Sewer Capital Facility Plan, which had been provided. He reminded Council it was a legal requirement to adopt a Sewer Master Plan. He further explained the document as it stood did not provide solutions to all the problem areas but could be amended in the future.

Council Member Severini asked Town Engineer, Ryan Taylor, to provide an overview of the various options of solutions and how each option would impact funding. Mr. Taylor explained there were several future problems identified and multiple solutions were presented within the Plan. Council Member Severini questioned if any options provided were interdependent of each other and if they were equivalent options, given the range of cost. Mr. Taylor explained all options were given, however a major factor in the recommended solution was cost. He noted the lowest cost solution was not always the recommended solution, due to future cost of various interdependencies. He identified various sources of potential funding, including potential COVID funding and the cooperation of developers, which had been integrated with the respective development costs. Mr. Taylor encouraged Council adopt the Sewer Master Plan to ensure developers it was approved and included the Master Plan. Mayor Rubin reiterated this document could be amended in the future should the need arise, and no money would be spent over the allowed threshold without the approval of Council.

There being no further questions from Council, Mayor Rubin asked for a motion to adopt the Sewer Master Plan as presented.

***Motion: Council Member Haselton moved to approve the Sewer Master Plan. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, and Severini. Abstained: Council Member Nadelberg. Motion passed.***

### 3. Discussion regarding audit findings for Fiscal Year ending 2020

Mayor Rubin introduced Amy Davies, who conducted the audit for Fiscal Year ending June 30, 2020. Ms. Davies reviewed the results of the financials and compared the current standing to the prior year. She noted the financials were in good standing.

She reviewed and discussed the identified findings and made recommendations for improvement (*detailed Schedule of Findings included in the meeting materials*). She noted these were not a negative reflection of efforts by Staff, but rather notations for areas of improvement.

Recommendations for improvements included:

- Material Misstatements – the Town should perform monthly and year-end adjusting entries and account reconciliations to ensure financial reports of the Town accurately reflect the assets, liabilities, revenues, and expenditures of the Town
- Inadequate Approval, Documentation, and Coding of Disbursements – the Town should ensure all disbursements are adequately supported by documentation and are properly approved and evidenced by initials and/or signatures. It was also recommended the Town properly code disbursements as expenditures including amounts that are subsequently billed to developers for reimbursements
- Inadequate Separation of Duties over Cash Receipts and Cash Disbursements – the Town should implement the following mitigating controls:
  - The Finance Director should review cancelled checks and track the sequential order of checks as part of bank reconciliation procedures
  - The Finance Director should compare credit card receipts to the credit card statements
  - The Town Administrator should review bank transfers on a regular basis
  - The Finance Director should review adjustments to customer accounts on a regular basis
- State Compliance – Budgetary Noncompliance – The Town Council should review accurate budget to actual reports and ensure expenditures do not exceed appropriations
- Miscalculated Building Permit Fees – The Town should use the latest tables available from the International Code Council (ICC) in calculating building valuations
- Unsupported Vacation Balances – An independent individual should maintain and review the vacation balances of the Public Works Director each pay period
- Noncompliance with State Requirements – The Town should:
  - Ensure all Town Council meeting minutes are posted in a timely manner to the Public Notice Website as required by law

- Complete and present the Fraud Risk Assessment to the Town Council annual before the end of the fiscal year and upload documents as required by the Office of the State Auditor

There were no questions from Council.

**V. Public Input - Floor open for any attendee to speak on items not listed on the agenda**

At 7:09 p.m., Mayor Rubin opened the Public Input portion and reviewed the process for the public to speak.

Council Member Dwinell received an email regarding continued speeding on Shoreline Drive in the Deer Waters subdivision area. Mayor Rubin noted the various efforts at mitigating the issue, including only allowing passenger vehicles to drive the road, forcing the heavy construction vehicles on the service road. A serpentine entrance was suggested in order to force a speed reduction, as well as the option of speed bumps were discussed. Mayor Rubin stated he would order

additional electronic speed signs to be installed in the Rustler and Soaring Hawk areas. Council Member Baier asked how residents were being informed of speed enforcement. Mayor Rubin noted it had been included in a previous newsletter but will include it in the next newsletter that additional enforcements were being implemented. Council Member Baier asked if construction contractors were being informed appropriately. Council Member Dwinell asked if the developer could be fined if contractors continued to violate the speed limits, assuming the contractors were the primary violators. Mayor Rubin stated the Town's legal counsel could research if that could be enforced.

Mayor Rubin discussed the possibility of issuing parking permits to contractors, in which the permit could be revoked if that vehicle continued to violate speed limits. Town Attorney Polly McLean noted she and staff would be discussing the issuance of code violation administrative citations and would provide Council an update in terms of how these were being implemented and if this could be included.

There being no further public comment, Mayor Rubin closed public input at 7:32 p.m.

**Agenda Items (continued)**

**4. Dark Skies Ordinance update**

Town Planner Thomas Eddington provided an update regarding the proposed Dark Skies Ordinance, noting Council's request to get a base assessment of current lighting conditions. He attempted to reach Daniel Mendoza, the lighting expert at the University of Utah, in order to include Hideout in his Park City lighting study in the Fall. Mr. Mendoza may currently be out of the country on vacation, in which Mr. Eddington would attempt to contact him again upon his return.

Mr. Eddington contacted other cities outside of Utah who had adopted Dark Skies Ordinances and inquired how those studies were conducted. They had brought in light meters and performed the assessments themselves. Council Member Baier asked if a request for proposal (RFP) could be made to conduct the assessment, to which Mr. Eddington replied he would research companies and other universities and make the request.

**5. Discussion and possible action for Hideout's Emergency Operations Plan and line of succession**

Town Attorney Cameron Platt provided information on Utah's Emergency Management Act, which requires the Town to pass or re-ratify an Emergency Operations Plan. As part of the Plan, three interim successors should be designated to manage the Plan, as well as identify an emergency alert system and individuals who would activate the plan. He provided the option of adopting Wasatch County's current plan or to create a document specifically for Hideout's needs. He noted any designees would require training in the National Incident Management System and Incident Command System, which was the nationwide process and policies. By adopting the Wasatch County Emergency Operations Plan, the line of succession and training of employees would be provided by Wasatch County. Mayor Rubin suggested obtaining Wasatch County's Plan and to adopt that Plan, as well as researching if Hideout had previously adopted its own Plan.

Council Member Haselton made mention of a website ([www.ready.gov](http://www.ready.gov)) in which instruction and suggestions were provided for individuals to be prepared in the event of a natural disaster and/or evacuation. She suggested including the information in the newsletter. Council Member Severini suggested including the information on the Town's website as well. Mr. Platt noted the State had a state-wide emergency notification system which the Town would use if necessary. Mayor Rubin made note Hideout should be included on any state-wide emergency notification system.

**6. Continued discussion on compensation model for Mayor, Town Council, and Planning Commission members**

Mayor Rubin reminded Council the compensation model information was first presented during a former meeting in which Council asked for additional time to research the topic.

Town Administrator Jan McCosh noted any compensation paid to appointed and elected officials was required to be reported to the Utah Retirement Systems (URS). If the compensation were to exceed a certain amount, the payee should be allowed to participate in URS and be subject to receive tax-deferred benefits such as 401(k).

Mayor Rubin suggested offering one-thousand, one hundred dollars (\$1,100) per month for Council Members and five hundred dollars (\$500) per month to Planning Commission Members. Council Member Dwinell suggested offering the Planning Commission Chair and Mayor a higher compensation due to the increase of workload and hours spent. Council Member Severini agreed.

It was decided Mayor Rubin and Ms. McCosh would gather information and provide scenarios of several surrounding cities' compensation percentages based on those budgets and discuss the results in a future meeting. Ms. McLean noted Park City had a special Blue Ribbon Committee which recently conducted a study regarding council salaries and suggested Mayor Rubin and Ms. McLean review the report.

**7. Appointment of a Mayor Pro Tempore for July 17 through July 31, 2021**

Mayor Rubin would be out of town from July 17 through July 31, 2021 and asked if a Council Member would serve as Mayor Pro Tempore during that time. Council Member Baier offered to serve. She asked for written procedures for the Mayor's duties while serving pro tempore. Mayor Rubin offered to put together an overview of his duties.

**8. Discussion and possible appointment of a permanent Mayor Pro Tempore for dire emergencies**

Council Member Haselton nominated Council Member Baier as permanent Mayor Pro Tempore for dire emergencies, noting Council Member Baier had served several times in that role and stated she was the most qualified member of the Council. Council Members Nadelberg and Severini agreed. Council Member Baier accepted the nomination, stating she felt it was important for the community. Mayor Rubin stated he would share his calendar with Council Member Baier.

***Motion: Council Member Haselton moved to nominate Council Member Baier as Permanent Mayor Pro Tempore for dire emergencies. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg and Severini. Abstaining from voting: Council Member Dwinell. Motion passed.***

**9. Honorary Resolution for Council Member Jerry Dwinell for his service to the Town of Hideout**

Mayor Rubin announced Council Member Dwinell was moving to Texas and would be resigning as Council Member effective July 8, 2021 at 11:59 p.m. Mayor Rubin presented and read an Honorary Resolution thanking Council Member Dwinell for his outstanding public service to the Town of Hideout. Council Member Baier stated Council Member Dwinell had been a model and inspiration for her and other Council Members and thanked him for his service. All Council Members agreed and thanked Council Member Dwinell for his service. Council Member Dwinell stated it was his pleasure to serve.

***Motion: Council Member Nadelberg moved to approve the Honorary Resolution in Appreciation for Outstanding Public Service by Jerry Dwinell. Council Member Haselton made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg and Severini. Motion passed.***

Mayor Rubin discussed the requirements for fulfilling the council vacancy and stated a notice would be posted with information in which interested parties may apply. Council Member Dwinell reminded Mayor Rubin of the various committee positions which would need to be filled with his resignation, including the Design Review Committee for Deer Springs and the Chairperson for the Community Enhancement Committee. Mayor Rubin thanked Council Member Dwinell again for his service.

**VI. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed**

There being no further public business, Mayor Rubin called for a motion to close the public portion of the meeting in order to hold a closed Executive Session.

***Motion: Council Member Baier moved to close the public portion of the meeting and move to an executive session to discuss any pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed.***

At 8:40 p.m., the public session moved into closed Executive Session.

After a short recess, the Executive Session convened at 8:45 p.m.

**Present:** Mayor Phil Rubin  
Council Member Chris Baier  
Council Member Jerry Dwinell  
Council Member Carol Haselton  
Council Member Bob Nadelberg  
Council Member Ralph Severini

**Staff Present:** Town Attorney Polly McLean

**VII. Meeting Adjournment**

At 9:29 p.m., Mayor Rubin asked for a motion to move to public session and adjourn the meeting.

***Motion: Council Member Nadelberg made the motion to adjourn. Council Member Severini made the second. None opposed.***

The meeting adjourned at 9:30 p.m.

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Alicia Fairbourne, Town Clerk

**Minutes**  
**Town of Hideout**  
**Town Council Regular Meeting and Public Hearing**  
**August 12, 2021**

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on August 12, 2021 at 6:00 p.m. electronically via Zoom due to the ongoing COVID-19 pandemic.

**Regular Meeting and Public Hearing**

**I. Call to Order**

**1. Mayor Rubin's No Anchor Site Determination Letter**

Mayor Rubin called the meeting to order at 6:02 p.m. and reminded participants and viewers there was no anchor site for the meeting.

**II. Roll Call**

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

**Staff Present:** Town Attorneys Polly McLean and Cameron Platt  
 Town Administrator Jan McCosh  
 Town Clerk Alicia Fairbourne  
 Public Works Director Timm Dixon  
 Public Works Supervisor Kent Cuillard

**Others Present:** Lindsay Payeur, Randy Larsen, Rick Brough (KPCW), John Gunn, Sean Philipoom and others who may have logged in using a partial name or using only a phone number.

**III. Approval of Council Minutes**

**1. May 12, 2021 Referendum Presentation Meeting Minutes DRAFT**

*Motion: Council Member Haselton moved to approve the May 12, 2021 Referendum Presentation Meeting Minutes as presented. Council Member Severini made the second. Voting Yea: Council Members Baier, Haselton and Severini. Voting Abstaining: Council Member Nadelberg. Motion passed.*

In consideration of presenter Randy Larsen's time, Mayor Rubin moved the first item of the agenda before the public hearing.

#### IV. Agenda Items

##### 1. Overview and discussion of Public Infrastructure District (PID) Financing

Town Administrator Jan McCosh introduced Randy Larsen who would present the Public Infrastructure District (PID) information. Mayor Rubin explained this was a way to encourage commercial development within the Town.

Mr. Larson explained the PID was created as a separate entity in order to give the Town a discretionary tool in which the Council had direct control over. A PID allowed a property owner to increase the property taxes on owned property and would create its own tax revenue instead of reallocating property tax funds to other entities. Investors in PID would consider the likelihood of the development plan and the entitlement and equity of the developer. Investors would buy the right to the property tax over a period of time which would be at the Town's discretion, but not to exceed forty (40) years. Once the property tax bonds are expired, the funds are then defeased.

Council Member Baier asked for a comparison of a PID versus Hideout District #1. Mr. Larson explained a PID's purpose was a source of financing which authorized a certain boundary to bind a higher property tax rate over a period of time in which the Town established. Land-use planning, building permitting, operations and maintenance capabilities, ownership of public infrastructure, et cetera, would not be authorized under a PID. Hideout District #1 had its own governing body which provided its own water and sewer services and rates.

Council Member Severini inquired which entities were currently using a PID and if any benefits were seen by those entities. Mr. Larsen gave an example of Provo City, which had been in support of a medical school on an established golf course and former landfill which was owned by a commercial entity. The medical school purchased a portion of the golf course to construct the campus, however infrastructure costs were high because the site was a former landfill. By creating the PID, a thirty (30)-year tax-exempt limited tax bond was issued which was less than the infrastructure cost loan interest rate.

Mr. Larsen discussed the benefits of creating a PID and explained PIDs may issue special assessment bonds, general obligation bonds, and limited tax bonds. Tax Increment Financing (TIF) revenues may be pledged to repay PID bonds. He further noted once the value of the property reached the same ratios as a general obligation bond, the PID bond could be converted to a general obligation bond to secure the lowest interest rate at that time.

Mr. Larsen mentioned if the Town were to create a PID, he would recommend adopting a policy which would help navigate incoming proposals, lend consistency to the evaluation, and protect the Town from any concerns in which different determinations were made between property owners. Mayor Rubin thanked Mr. Larsen for presenting the PID information.

#### V. Public Hearing Items

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

Mayor Rubin explained an Annexation Master Development Agreement (AMDA) was created during the Silver Meadows Annexation process and deadlines which were described within the AMDA were set to expire. Due to the court ruling stating the Annexation was invalid and the



Town's motion to reconsider the ruling, those deadlines needed to be adjusted. He further explained none of the other language in the AMDA would change. He noted the Hideout Planning Commission had reviewed the AMDA and provided a positive recommendation to Town Council.

Section 7.7 Land for Public Service Facilities and Town Hall would be amended to extend the March 1, 2021 deadline to one hundred and twenty (120) days from the date of the final decision on litigation, including appellate courts, related to the approval and passage of the Annexation.

Section 8.1 Creation of Design Standards would be amended to extend the March 1, 2021 deadline to one hundred and twenty (120) days from the date of the final decision on litigation including appellate courts, related to the approval and passage of the Annexation.

Section 12.1 School Site Set Aside would be amended to extend the deadline to one hundred and twenty (120) days from the date of the final decision on litigation including appellate courts, related to the approval and passage of the Annexation.

Section 12.4 Secondary Access and Parking would be amended to extend the August 31, 2021 deadline to one hundred and twenty (120) days from the date of the final decision on litigation including appellate courts, related to the approval and passage of the Annexation, and language would be added to state the AMDA may be terminated at the Town's discretion.

Section 12.5 Condition Precedent would be amended to include language stating "...any litigation related to the passage and adoption of the annexation is resolved."

Discussions were had regarding how one hundred and twenty (120) days was determined, to which Town Attorney Polly McLean explained it was discussed with the Developer and an agreement was made. Additionally, the dates could be extended further if a mutual agreement was made in which more time was needed.

There being no further questions from Council, Mayor Rubin opened the floor to public input at 6:54 p.m. There were no public comments. Mayor Rubin closed public input at 6:55 p.m. and asked for a motion from Council.

***Motion: Council Member Nadelberg moved to approve the First Amendment to the Silver Meadows AMDA as presented. Council Member Baier made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.***

## **VI. Public Input - Floor open for any attendee to speak on items not listed on the agenda**

At 6:56 p.m., Mayor Rubin opened the floor to public input for any items not listed on the agenda.

Mayor Rubin addressed the number of emails regarding dust, construction noise, speeding traffic, et cetera. He noted the Town was working with the developers regarding those issues. Safety equipment and traffic signs had been ordered and were scheduled to arrive within the week. Additional Staff had been added to the Public Works Department to enforce Municipal Ordinances.

Council Member Baier noted the community clean-up day and inquired if the Public Works Staff could address with the developers to clean up any accumulation of trash that may have blown out of the garbage bins, and not to overfill the bins and to keep them covered. Mayor Rubin stated any complaints should be sent to the Public Works Staff. Council Member Severini suggested sending a picture of the uncovered bins as well.

There being no further public emails or comments, Mayor Rubin closed public input at 7:04 p.m.

**Agenda Items (continued from previous Section)**

**2. Discussion and consideration to approve the Rocky Mountain Power Franchise Agreement**

Mayor Rubin explained the Franchise Agreement between Rocky Mountain Power (RMP) and the Town which needed to be renewed every ten (10) years. Council Member Baier inquired about how the underground power lines were addressed in the agreement. Ms. McLean explained it was quite costly for RMP to bury the power lines, however this agreement did not prohibit underground power lines if the developer or Town would cover the expense. Mayor Rubin noted transmission lines were much more difficult to bury, but distribution lines could be buried. Council Member Baier asked if more transmission lines were expected within the Town. Mayor Rubin was unsure if there was currently enough voltage to power the Town with the existing transmission lines. He would discuss the question with Town Engineer Ryan Taylor and report his findings back to Council Member Baier. He further noted the burial of power lines did not need to be addressed within the Franchise Agreement in order for it to be approved. Further discussion regarding the burial of power lines ensued.

There being no further questions from Council, Mayor Rubin asked for a motion to approve the Rocky Mountain Power Franchise Agreement.

***Motion: Council Member Nadelberg moved to approve an Ordinance Granting an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power. Council Member Haselton made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.***

Council Member Nadelberg noted a constituent notified him via text message of a technical difficulty during the Public Input portion of the agenda and asked if it could be reopened to allow comment. Mayor Rubin obliged.

**Public Input - Floor open for any attendee to speak on items not listed on the agenda (continued from previous Section)**

John Gunn wanted to discuss the draft Zoning Map, which Mayor Rubin explained would be placed on the Hideout Planning Commission agenda and Town Council agenda in future meetings. He further explained feedback had been received by several residents and the Map was being reevaluated and modified by the Town Planner and would be open for public input at those meetings. He recommended residents make note of their concerns, however the Map would change prior to the meetings.

Council Member Nadelberg asked if public comment could be opened in order to allow Mr. Gunn to comment on an issue aside from the Zoning Map. At 7:25 p.m., Mayor Rubin reopened the floor for public comment.

Mr. Gunn thanked Mayor Rubin for allowing public comment to be reopened and brought to the Council's attention his home was thirteen (13) feet from a gravel emergency access road which runs between the northern Shoreline subdivision and the eastern border of Jordanelle Reservoir towards Overlook Village. Construction vehicles were allowed access on the road, and he was concerned of health and safety hazards.

Mayor Rubin addressed Mr. Gunn's concerns stating the Town was working to rectify the passage of construction vehicles and divert them elsewhere. Construction vehicles were allowed to use the road to drive the shortest distance to the construction site and the passage was considered temporary until construction was completed. He further explained the road was platted as an emergency access road however it could also be accessed as a sewer line easement and would become a future pedestrian trail to potentially enter the State Park.

Council Member Baier asked if the current gravel road base was an appropriate surface for use of construction and emergency vehicles. Mayor Rubin stated it was acceptable for the current road use, however future plans were to install a more robust surface. Council Member Baier asked if the emergency access road would continue to be necessary once Shoreline and Lakeview Estates were completed. Mayor Rubin explained as a condition of approval from the Wasatch County Fire Department, the road was necessary as an emergency access road. He would have Engineering provide the plans for the road.

There being no further comments, Mayor Rubin closed the public input portion at 7:35 p.m. and continued with the regular agenda items.

### **Agenda Items (continued)**

#### **3. Discussion and possible action regarding filling the council vacancy**

Mayor Rubin discussed an opening on the Town Council due to the resignation of Council Member Jerry Dwinell. Mr. Dwinell served on the Planning Commission which left an alternate position open on the Planning Commission Board as well. To date, no letters of interest were submitted by any eligible residents and therefore, the vacancy would be re-noticed with the deadlines changed to the following Council Meeting.

#### **4. Discussion and direction on an Emergency Operations Plan**

Town Attorney Cameron Platt presented the Wasatch County Emergency Operations Plan which was first discussed in the July 8, 2021 Town Council Meeting. Council had asked for additional time to review the Plan, specifically regarding the line of succession. Council Member Baier noted the Wasatch County Plan was not specific regarding Municipal representation of emergency procedures and asked how the Town should be prepared to work under the Wasatch County Emergency Operations Plan if adopted. Mr. Platt explained the purpose of the Wasatch County Plan would be to conduct training and practice scenarios to be better prepared and informed of how the Plan worked in the event of an emergency. Without the Plan, the Town would operate with policymakers to allocate expenses and resources prior to using the county's resources. He further explained under the county's Plan, the County Emergency Management Director would continue to work with the Town's policymakers and other committees to determine various emergency management organizational roles.

Mayor Rubin noted the document enabled the Town to identify which service providers interlocal agreements should be made with to ensure the critical services were covered. Ms. McLean noted by adopting the Wasatch County Emergency Operations Plan, some of the requirements, such as training, would be delegated to the county instead of being the responsibility of the Town, however, the Town could establish its own chain of command. Mr. Platt suggested the Mayor or a Town Official be the initial designee in the line of succession and then the Town could escalate to the county if necessary.

1 Council Member Haselton questioned how residents would be communicated to and notified in the  
2 event of an emergency. Mayor Rubin stated residents should subscribe to the notifications from the  
3 Town's website. He suggested some marketing or campaigning should be conducted to make  
4 residents aware of and subscribe to those notifications. Mr. Platt noted by adopting the County  
5 Emergency Operations Plan, access to the state-wide emergency notification system would be  
6 granted, which would provide a reverse emergency call to cell phones in a designated area.

7 Mr. Platt explained designation of the line of succession was important to establish although  
8 adoption of the Emergency Operations Plan could be deferred to a future meeting. Council Member  
9 Baier preferred to have the Mayor and/or Council Member as the initial, or local, designee, to which  
10 Mr. Platt explained the designee would be required to attend training and have a working knowledge  
11 of the Emergency Operations Plan. The local designee would be authorized to assess the emergency  
12 and escalate the situation to the County Emergency Management Director if local resources were  
13 not sufficient.

14 Mayor Rubin suggested continuing the item until the September Town Council meeting in order to  
15 conduct further research and reach a full understanding of the Plan. Ms. McLean stated a Resolution  
16 would be drafted and ready for the September meeting. Mayor Rubin stated he would work with  
17 Engineering and Public Works to review the resources of the Town. Mr. Platt suggested a discussion  
18 with the Wasatch County Emergency Management Director should be had prior to adopting the  
19 Plan. Mayor Rubin stated he would work with Ms. McCosh to have that conversation with the  
20 county.

21 **5. Discussion and possible action on an Ordinance to amend Chapter 3.04 to replace the Board**  
22 **of Adjustment with an Administrative Law Judge**

23 Ms. McClean explained Hideout Municipal Code stated variance and land use appeals be brought  
24 before a Board of Adjustment. The recommendation by the League of Cities and Towns was to  
25 retain an Administrative Law Judge (ALJ). There were several advantages mentioned of retaining  
26 an ALJ as opposed to appointing three members of the community to form a Board of Adjustment.

27 Council Member Baier inquired of the typical cost of an ALJ, to which Ms. McLean replied it was  
28 typically not a large expense, however a Request for Proposal (RFP) should be issued. Council  
29 Member Severini expressed his concern of an ALJ not being familiar with the workings of the  
30 Town, as opposed to a Board of Adjustment who would be members of the community. Ms.  
31 McLean explained the ALJ would follow the Municipal Code versus members of the community  
32 who may have a bias. The ALJ would be selected by the Mayor with the advice and consent of the  
33 Council, to which a fair and knowledgeable Judge could be chosen. Further discussion was had  
34 regarding how frequent an appeal was requested. It was decided to adopt the Ordinance to replace  
35 the Board of Adjustment with an ALJ.

36 ***Motion: Council Member Baier made a motion amending Hideout Town Code Chapter 3.04 to***  
37 ***replace the Board of Adjustment with an Administrative Law Judge. Council Member***  
38 ***Nadelberg made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and***  
39 ***Severini. None opposed. Motion passed.***

August 12, 2021

**Minutes**  
**Town of Hideout**  
**Town Council Regular Meeting**  
**September 09, 2021**

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on September 9, 2021 at 6:00 p.m. electronically via Zoom due to the ongoing COVID-19 pandemic.

**Regular Meeting**

**I. Call to Order**

**1. September 6, 2021 No Anchor Site Determination Letter**

Mayor Pro Tempore Baier called the meeting to order at 6:04 p.m. and reminded participants there was no anchor site location due to the ongoing COVID-19 pandemic.

**II. Roll Call**

**Present:** Mayor Pro Tempore Chris Baier  
 Council Member Carol Haselton  
 Council Member Bob Nadelberg  
 Council Member Ralph Severini

**Excused:** Mayor Phil Rubin

**Staff Present:** Town Attorneys Polly McLean and Cameron Platt  
 Town Planner Thomas Eddington  
 Town Engineer Ryan Taylor  
 Town Clerk Alicia Fairbourne  
 Public Works Director Timm Dixon  
 Public Works Supervisor Kent Cuillard

**Others Present:** Allison McKinnon, Jonathan Gunn, Kathleen Shepley, Carol Tomas, Bruce Woelfe, Ray Brideau and others who may have logged in using a partial name or using only a phone number.

**III. Public Hearing**

**1. Ratify and adopt the Official Zoning Map of the Town of Hideout to reflect existing zoning - CONTINUED TO OCTOBER 14, 2021 MEETING**

Mayor Pro Tempore Baier noted the Official Zoning Map ratification public hearing had been continued to the October 14, 2021 Town Council Meeting. Town Attorney Polly McLean explained because it had been noticed for this meeting, it was left on the agenda in order to further continue the item. The Hideout Planning Commission would hold a public hearing on September 16, 2021.

Ms. McLean instructed Mayor Pro Tempore Baier public comment could be opened if desired. Mayor Pro Tempore Baier opened public comment at 6:07 p.m.

Carol Tomas wondered if what appeared to be Lakeview Estates was zoned as Residential Medium Density versus Mountain Zone, and was curious as to why that was different than the previous Zoning Map. Town Planner Thomas Eddington replied a Master Development Agreement (MDA) was signed between the developer and the Town, which was zoned as Residential Medium Density at the time of execution. Town Attorney Polly McLean reminded Ms. Tomas the Zoning Map was not up for consideration by Council during this meeting and would be reviewed and discussed at the Planning Commission meeting to be held the following week. Ms. Tomas asked if a final Zoning Map had been approved within the Town, to which Ms. McLean stated an Ordinance to adopt a final Zoning Map had not been approved. Ms. Tomas agreed to attend the Planning Commission meeting and provide input at that time.

Kathleen Shepley asked when an updated proposed Zoning Map could be expected. Mr. Eddington stated the proposed Zoning Map would be included with the Planning Commission meeting materials which would be made available prior to the Meeting.

There being no further public comment, Mayor Pro Tempore Baier closed public input at 6:17 p.m. and reminded participants the item would be continued for the Council to the October 14, 2021 Town Council Meeting.

#### **IV. Public Input - Floor open for any attendee to speak on items not listed on the agenda**

Mayor Pro Tempore Baier opened the floor to public input at 6:17 p.m. There were no public comments and therefore, public input was closed at 6:19 p.m.

#### **V. Agenda Items**

##### **1. Discussion and possible continuation for filling the Council vacancy**

Mayor Pro Tempore Baier stated there was a vacancy on the Council due to former Council Member Jerry Dwinell's resignation. She noted no parties had submitted a letter of interest prior to the deadline, and therefore, the vacancy would be continued to the October 14, 2021 Town Council meeting. The terms of the vacancy were reviewed, noting it was a two-year term set to expire on January 1, 2024. Mayor Pro Tempore Baier reviewed the qualifications and process for submitting a letter of interest.

##### **2. Discussion regarding traffic complaints**

Mayor Pro Tempore Baier reviewed the traffic complaints, specifically the construction activity and usage of the emergency access road by construction vehicles. She asked for Town Attorney Cameron Platt to discuss any remediation as it applied to these complaints.

Mr. Platt explained an Ordinance from a neighboring community was discovered regarding construction vehicles and traffic, which outlined a traffic control plan was required to be submitted by the developer describing the details of the impact of the construction. He noted the Ordinance could easily be modified for Hideout's needs. Public Works Director Timm Dixon stated more communication should be had with Town residents regarding construction traffic. He further explained a traffic rotation could be implemented, in which construction vehicles would set up an alternating system of road usage to vary the traffic noise and provide residents some relief.

1 Mayor Pro Tempore Baier opened the item for public input and asked speakers to limit comments  
2 to two (2)-to three (3) minutes per speaker.

3 Jonathan Gunn stated his home was the northernmost house on Stargazer Circle with thirty (30)  
4 feet from the edge of his foundation to the Jordanelle State Park Trail. The egress road was thirteen  
5 (13) feet from his home's foundation. He was concerned of seismic activity caused by the frequent  
6 passage of the large dump trucks on the egress road and counted up to one hundred fifty (150)  
7 separate vehicle passes in one day. He expressed concern of the possibility of an accident in which  
8 the contents of the dump truck could spill into his basement due to the close proximity. He further  
9 expressed concern of health hazards due to the dust stirred up by the trucks. He felt an Ordinance  
10 should be in place to prohibit the use of the egress road by construction vehicles. He offered  
11 suggestions to enforce the ban of the road, including providing private assistance to the Town.

12 Mayor Pro Tempore Baier asked Mr. Dixon to provide what solutions had been made to alleviate  
13 the traffic. Mr. Dixon explained barriers had been ordered and would be placed on the entrance to  
14 the road. In addition, developers and contractors had been notified to use an alternate road, which  
15 would cause additional traffic and noise on other public roads. A viable solution was being  
16 discussed with the goal of mitigating some of the noise.

17 Bruce Woelfe spoke with questions regarding the source of the dirt, and if it had been tested for  
18 contaminants. Mr. Dixon explained the two developers of Deer Springs, Lakeview Estates and  
19 Shoreline had come to an agreement in which the dirt from one subdivision could be used in the  
20 other subdivisions and therefore, the dirt was being hauled between them. In regard to testing the  
21 dirt, some of the dirt was brought in from an area in Browns Canyon, which would be tested. Town  
22 Engineer Ryan Taylor confirmed the hauling of the dirt was permitted by the Town, and explained  
23 the lower road was being raised enough to establish a sewer line to slope from the south end of the  
24 project to the Vantage Lane Lift Station, which would eliminate some other sewer lift stations  
25 within the Town. As a condition of approval, the developers agreed to work with the Town  
26 regarding which access routes were authorized.

27 Council Member Severini inquired who conducted the soil tests and when the tests were conducted.  
28 Mr. Taylor explained it was tested after the dirt was brought in, however, the dirt would need to be  
29 removed if the soil test revealed it was contaminated which would be costly for the developers. Mr.  
30 Dixon noted the majority of the dirt was native fill only moved from within Town. Council Member  
31 Severini inquired how the results of the tests were measured, to which Mr. Taylor replied the Utah  
32 Division of Environmental Quality had a list of acceptable contaminant levels for the condition of  
33 the dirt. Mayor Pro Tempore Baier inquired about who was responsible to pay for the cost of the  
34 testing. Mr. Taylor explained the developers were responsible for the cost. Mr. Taylor and Mr.  
35 Dixon would provide a summary of results to the Council.

36 Ray Brideau stated construction projects should have a haul road in order to eliminate construction  
37 traffic on main roads. He expressed concern of using the public roads and blocking off the  
38 emergency access road. He felt there was a better solution which needed to be found.

39 Discussion regarding the various solutions ensued. Council Member Severini asked if the  
40 complaints were tracked by location or issue. Mr. Dixon stated if complaints were received via  
41 email, he would track those emails and provide the data to Council.

42 Council Member Haselton made mention she was on the Infrastructure Committee which had  
43 discussed the construction traffic and noise regarding which residents were most affected. It was



determined the residents in Shoreline Phase 1 and along Hideout Trail were most affected. She also stated the amount of dust stirred up was a nuisance.

Mayor Pro Tempore Baier reminded Messrs Platt and Dixon they were to draft a traffic control plan Ordinance. Mr. Dixon stated it may include land use, and therefore would need to be a public hearing through Planning Commission prior to being reviewed and heard by Town Council, but would have it ready by the following months' Planning Commission meeting.

There being no further public comment, Mayor Pro Tempore Baier closed the public comment at 7:15 p.m.

### **3. Discussion and possible approval of Fee Schedule adjustment to include fines for violation of codes, impact fees, appeal fees, a variance application fee, an adjustment to excavation fee, and a general land use application fee**

Town Planner Thomas Eddington explained the changes in the Fee Schedule, noting:

- Correction to the Excavation Fee to be consistent with the fee on the application and noting criteria for potential additional fees
- Jordanelle Special Service District (JSSD) fees would be collected directly to JSSD instead of passed through the Town
- General Land Use, Variance and Appeal Fees were added and specified
- Specific penalty fee amounts related to code violations were added
- The word "Town" was added to Section 10 to distinguish between the Town Impact Fees and JSSD Impact Fees.

Mayor Pro Tempore Baier asked if Council had any questions. There were no questions from Council. The Resolution associated with the new fee and rate schedule was presented and Mayor Pro Tempore Baier asked for a motion to adopt the Fee and Rate Schedule Resolution.

***Motion: Council Member Nadelberg moved to approve a Resolution to repeal and replace the Fee and Rate Schedule as presented. Council Member Haselton made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.***

### **4. Authorize the Mayor to purchase an additional Public Works vehicle (truck) with a not to exceed price of \$20,000**

Mayor Pro Tempore Baier asked Mr. Dixon to explain the need and what was being requested. Mr. Dixon explained with the addition of Public Works Staff, an additional Public Works vehicle was needed. The Town's procurement policy prohibited any purchases over ten-thousand dollars (\$10,000) without the consent of the Council.

Mayor Pro Tempore Baier asked if there were any questions from Council, to which there were none.

1 *Motion: Council Member Nadelberg moved to authorize the Mayor to purchase an additional*  
2 *Public Works vehicle (truck) with a not to exceed price of \$20,000. Council Member Haselton*  
3 *made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini.*  
4 *None opposed. Motion passed.*

5 **VI. Closed Executive Session - Discussion of pending or reasonably imminent litigation,**  
6 **personnel matters, and/or sale or acquisition of real property as needed**

7 There was no need for an Executive Session.

8 **VII. Meeting Adjournment**

9 There being no further business, Mayor Pro Tempore Baier called for a motion to adjourn the  
10 meeting.

11 *Motion: Council Member Haselton moved to adjourn the meeting. Council Member Nadelberg*  
12 *made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini.*  
13 *None opposed. Motion passed.*

14 At 7:32 pm, the meeting was adjourned.

15  
16  
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19 \_\_\_\_\_  
20 Alicia Fairbourne, Town Clerk

**Minutes**  
**Town of Hideout**  
**Town Council Regular Meeting and Continued Public Hearing**  
**October 14, 2021**

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Continued Public Hearing on October 14, 2021 at 6:00 p.m. electronically via Zoom due to the ongoing COVID-19 pandemic.

**Regular Meeting and Continued Public Hearing**

**I. Call to Order**

**1. October 7, 2021 No Anchor Site Determination Letter**

Mayor Rubin called the meeting to order at 6:03 p.m. and reminded participants there was no anchor site location due to the ongoing COVID-19 pandemic.

**II. Roll Call**

**Present:** Mayor Phil Rubin  
 Council Member Chris Baier  
 Council Member Carol Haselton (joined at 6:49 p.m.)  
 Council Member Bob Nadelberg  
 Council Member Ralph Severini

**Staff Present:** Town Attorneys Polly McLean (joined at 6:54 p.m.) and Cameron Platt  
 Town Administrator Jan McCosh  
 Town Planner Thomas Eddington  
 Town Clerk Alicia Fairbourne  
 Director of Engineering and Public Works Timm Dixon  
 Public Works Director Daniel Allen  
 Public Works Supervisor Kent Cuillard

**Others Present:** Kathleen Shepley, Kris Campbell, Mary Freeman, Ken Block, Carol Tomas, Glynnis Tihansky, and others who may have logged in using a partial name or using only a phone number.

**III. Approval of Council Minutes**

**1. October 16, 2020 Meeting Minutes DRAFT**

Council Member Severini felt more content should be added to the minutes due to the importance of the meeting as it related to the Silver Meadows Annexation. It was decided to defer the approval of the minutes to the November 10, 2021 Town Council meeting.

**IV. Continued Public Hearing**

- 1. Ratify and adopt the Official Zoning Map of the Town of Hideout to reflect existing zoning - CONTINUED TO NOVEMBER 10, 2021 MEETING. NO ACTION WILL OCCUR DURING THIS MEETING AS IT IS STILL UNDER REVIEW BY PLANNING COMMISSION AND IS ON THE PLANNING COMMISSION AGENDA FOR OCTOBER 21.**

Mayor Rubin explained the Zoning Map was still under review from the Town Planner and Planning Commission, and therefore, the item would be deferred to the November 10, 2021 Town Council meeting.

**V. Public Input - Floor open for any attendee to speak on items not listed on the agenda**

Mayor Rubin opened the floor to public comment at 6:10 p.m. and instructed participants on the process to comment via Zoom meeting.

There being no public comments, Mayor Rubin closed the public input portion of the meeting at 6:11 p.m.

**VI. Agenda Items**

- 1. Reschedule of November 11, 2021 Meeting to November 10, 2021 due to Veteran's Day**

Mayor Rubin explained the Regular Town Council Meeting fell on November 11, 2021, which was a Federal Holiday, and asked Council if they were available to reschedule the meeting to November 10, 2021 at 6:30 p.m.

Council Member Nadelberg noted he would be out of the country and may not be available to join. Council Members Severini and Baier did not have a conflict. When Council Member Haselton joined the meeting, it was agreed to reschedule the November 11, 2021 meeting to November 10, 2021 with a start time of 6:30 p.m.

- 2. Extension of Council Vacancy to November 10, 2021 meeting**

Two constituents had submitted a letter of interest for the Council vacancy, however neither candidate was available for this meeting. Mayor Rubin extended the vacancy to the November 10, 2021 Town Council meeting at which time the candidates would be interviewed and one would be chosen to fill the vacancy.

- 3. Presentation regarding redistricting**

Mayor Rubin introduced Ken Block, a Hideout resident who was working with the Park City Leadership Class 27 to present redistricting drawings to the Utah Independent Redistricting Commission.

Mr. Block provided a background on the Park City Leadership Class 27, which was comprised of residents of Summit and Wasatch Counties who met with current and past City and County Mayors and Council Members of the cities included in Wasatch and Summit Counties. He introduced Kris Campbell, who had performed extensive research regarding the redistricting in Wasatch and Summit Counties.

Mr. Campbell explained Hideout was part of House District 54, which was represented by House Representative Mike Kohler, and Senate District 26, which was represented by Senator Ron Winterton. He noted House District 54 included Wasatch County, Park City, and Hideout, but did not include Kamas or Francis. Regarding Congressional Districts, Wasatch County was in a different Congressional District than Summit County. Part of the Redistricting Commission's discussions were to possibly make Summit County and Wasatch County its own House District, and if that were to transpire, he asked which District Hideout would belong in. He discussed the notion of Communities of Interest, which would be comprised of residents in a contiguous area who shared common interests. He encouraged neighbors to discuss with each other and form a Community of Interest which could then be drawn on a map and submitted for presentation to the Utah Independent Redistricting Commission. Mr. Campbell explained this was a new process, and the maps would need to be submitted by October 22, 2021. The maps would be compiled and presented to the Commission on November 1, 2021. The Commission would present their findings to the Legislature for consideration.

Council Member Severini asked what type of content was preferred. Mr. Campbell explained by following the link provided, a map could be drawn outlining the various Communities of Interest. Additionally, the link to the Utah Independent Redistricting Commission was provided in order to submit comments to the Commission (*Clerk's note: links provided in the meeting materials*).

Discussion continued regarding providing information and gathering feedback from residents in a timely manner. It was determined a one-question survey would be made available to residents through the Hideout website and subsequently submitted to the Commission for consideration prior to the deadline.

Council Member Haselton joined the meeting at 6:49 p.m. and Town Attorney Polly McLean joined at 6:54 p.m.

Mayor Rubin thanked Messrs. Block and Campbell for their time and information.

#### **4. Update regarding noxious weeds**

Mayor Rubin presented the 2021 Noxious Weed Report and explained a letter was sent to land and property owners in Soaring Hawk, Golden Eagle, Overlook Village, Reflection Ridge, Reflection Lane, Silver Sky, Forevermore Court, and Glistening Ridge, as well as developers and Homeowners Associations (HOA's) which explained weed control was required. He reviewed out of the two hundred seventy-four (274) lots listed with individual owners, only thirty-six (36) reports were returned noting weed control was performed. Of the eight (8) developers and HOA's only four (4) reports were returned.

He expressed concern stating the letter was not effective. Council Member Baier stated Staff should take advantage of feedback received and implement processes in which the letter is sent several times starting in March each year, as well as provide further clarification. Town Administrator Jan McCosh explained the Town now had enforcements in place to impose citations and fines once the time to respond had passed. Council Member Baier asked the letter be updated and emailed well in advance – possibly starting in the Winter months – to give time for owners to be properly notified. It was also mentioned if the letter was not responded to, the cost would be included on the owners' property tax assessment bill.

Council Member Haselton noted a free calendar, Best Practices for Weed Control, was available from Wasatch County which showed the various regional weeds and the best time for remediation. She suggested obtaining and distributing a copy of the 2022 calendar. Council Member Baier added her thoughts in which a link should be provided in the letter for more information regarding weed control.

Council Member Baier commended Staff Member Carol Kusterle on her work and noted each year the Town showed improvement regarding weed control. Mayor Rubin agreed and added the HOA's cooperation had improved as well.

## **5. Discussion of Council compensation**

Mayor Rubin stated the discussion of Council compensation had been reviewed during several prior Council meetings. Additional information had been provided for this meeting showing the population and compensation for Mayors, Council Members, and Planning Commissioners from numerous cities and towns throughout the state. He asked each Council Member to review the compensation charts and provide feedback via email if a proposal should be made to the Budget Committee and how much they felt was warranted. Council Member Baier noted future growth should be taken into consideration when determining a dollar amount. Mayor Rubin agreed and stated the potential for growth was approximately three thousand (3,000) units, or six thousand (6,000) residents. Council Member Baier added various positions – Mayor and Planning Commission Chair – may justify a higher compensation due to working more hours and increased responsibility.

Ms. McCosh discussed the threshold of pay to become eligible to be entered into the Utah Retirement System (URS), noting the maximum pay was just over \$21,000 per year. It was noted to be eligible for health insurance, one would have to work over twenty (20) hours per week. Council Member Baier noted only the Mayor's position would possibly exceed that threshold. Mayor Rubin stated staff was being added to the various town departments in order to alleviate some of the demands and hours worked in the Mayor's position.

Council Member Severini noted he was on the Budget Committee and pointed out the Town's revenue intake was approximately \$1.5 million dollars per year. He expressed concern of exceeding two percent (2%) of the Town's revenue and asked Town Clerk Alicia Fairbourne to provide the budgets of towns with populations ranging from two thousand (2,000) to six thousand (6,000) for the Budget Committee to review in January. Mayor Rubin and Council Member Baier supported Council Member Severini and thanked Ms. Fairbourne for pulling the data together.

## **6. Discussion regarding on-street parking ordinance**

Mayor Rubin introduced the new Director of Public Works, Daniel Allen, and stated previous employers of Mr. Allen included South Jordan City and Summit County and he had extensive experience in Public Works and operations. He explained Public Works Staff would report to Mr. Allen.

Director of Engineering and Public Works Timm Dixon, Town Attorney Cameron Platt, and Mr. Allen had been working to modify the Town's street parking ordinance. Mr. Dixon explained edits were made to the on-street parking ordinance which included:

- Provide for parking on one side of the street, utilizing T-O Engineers' recommendation
- Snow removal emergency routes, including priority streets and timeframe of snow removal from each street
- Parking restrictions
- Resident visitor parking
- Construction parking versus resident parking

Council Member Baier noted construction parking during the Winter months would be an issue and should be the top priority. She expressed concern regarding the safety of the residents, especially during snowfall when the construction vehicles could protrude onto the road while snowplows were trying to pass. Council Member Severini agreed, noting the subject would be somewhat controversial to the residents. He suggested offering a survey to gather opinions of the residents. Mayor Rubin suggested Staff focus specifically on plow routes and devising a construction parking plan as the first two items of priority. Mr. Dixon stated he would share a snow removal emergency route plan with the Council. He and Mr. Platt had a construction plan which could be provided to Council in the upcoming week. Discussion continued regarding the existing provisions regarding construction parking and reinforcing Town Code to developers and contractors during construction meetings. Council Member Baier suggested purchasing additional signage to provide clarification for parking.

Mayor Rubin thanked Messrs. Allen, Platt, and Dixon for their work and looked forward to the final revision.

## **7. Discussion and possible adoption of an Ordinance for administration of employees with management positions.**

Mr. Platt presented an Ordinance for administration of employees with management positions and explained the Town had a history of involving Council on hiring managers, key employees, and contracted Staff, and would like to formalize the practice. He noted Council should be included in the decision of employee termination as well. Mayor Rubin noted this would codify the definition of management positions and contracted employees.

Council Member Baier noted Hideout worked under a Town Administrator instead of a Town Manager and asked that the language be updated.

Discussion ensued of which positions should be included in the Ordinance. Ms. McLean noted language in the Ordinance which included managers, supervisors, and professional services employees, and stated those were generic roles. She further explained the Ordinance could be amended if additional positions were added. Council Member Baier stated Staff should be somewhat protected for continuity purposes when newly elected officials enter office. Mayor Rubin agreed Staff should be retained and processes and systems should be documented, and Council should be involved when separation of employees occur.

There being no further questions or comments from Council, Mayor Rubin asked for a motion to adopt the Ordinance with the aforementioned update.

*Motion: Council Member Nadelberg moved to adopt Ordinance 2021-O-14 establishing that advice and consent of Council is required for hiring, engaging or terminating management positions, with the modification of the listed position from Town Manager to Town Administrator. Council Member Baier made the second. Voting Yea: Council Members Baier, Nadelberg, Severini. Abstaining from voting: Council Member Haselton. Motion passed.*

**VII. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed**

There being no further public business, Mayor Rubin called for a motion to enter into an Executive Session.

*Motion: Council Member Nadelberg moved to close the public portion of the meeting and enter into an Executive Session to discuss pending or reasonably imminent litigation, personnel matters, and/or the sale or acquisition of real property as needed. Council Member Baier made the second. Voting Yea: Council Members Baier, Nadelberg, and Severini. Abstaining from voting: Council Member Haselton. Motion passed.*

At 8:12 p.m., Mayor Rubin closed the public meeting and entered into Executive Session.

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

**Others Present:** Town Attorney Polly McLean  
Legal Counsel for Utah League of Cities and Towns Dani Cepernich

**VIII. Meeting Adjournment**

At 9:10 p.m., Mayor Rubin called for a motion to close the Executive Session and adjourn the meeting.

*Motion: Council Member Nadelberg moved to close the Executive Session and adjourn the meeting. Council Member Haselton made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. Motion passed.*

The meeting adjourned at 9:10 p.m.

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Alicia Fairbourne, Town Clerk





## Staff Report for Deer Springs – Second Amendment to MDA

To: Mayor Phil Rubin  
Town of Hideout Council

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

Re: Deer Springs Subdivision – MDA Amendments

Date: 12 January 2022

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*Submittals: Second Amendment to Master Development Agreement (MDA) for Deer Springs*

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The Planning Commission and the Town Council approved the initial Master Development Agreement (MDA) with the developer (Nate Brockbank and Holmes Homes) on August 6, 2018. The MDA outlines the agreements between the Town and the developer and address issues such as density allowed, infrastructure requirements, park and trail commitments, design review, etc.

The Town of Hideout approved a First Amendment to the MDA on August 21, 2020 that generally addressed revisions to phasing, park and trail improvements (due prior to recordation of Phase 3; no COs issued for Phase 3 until completion), and improvements to the maintenance building that was donated to the Town.

This Second Amendment to the MDA was required by the Planning Commission and Town Council as part of the Conditions of Approval for the Deer Springs Subdivision – Phase 2A and 2B approval on May 13, 2021 and generally includes the following two items:

- Updated Phasing Plan that matches what the PC and TC agreed to in May 2021
  - Staff recommends that the following sentence should be added to the MDA:
    - *All development activity must follow the sequential phases included in Exhibit B-2.2 in strict numeric order, Phase 1, then 2A, 2B, 3, 4, 5, 6, 7, and finally Phase 8. Any changes proposed to this phasing will require approval by the Town of Hideout and include the necessary revisions to this MDA.*
- A timeline for the payment of the \$600,000 committed to the Town (\$60,000 has already been paid)
  - Staff recommends a more definitive date for transfer of the outstanding \$540,000:
    - *The developer shall transfer the remaining \$540,000 to the Town of Hideout no later than February 15, 2022.*

The Planning Commission reviewed and favorably recommended the Second Amendment to the Master Development Agreement, with the proposed changes, for approval by the Town Council. Staff requests the Town Council review this Amendment and approve with the changes outlined.

**WHEN RECORDED, RETURN TO:**

**Town of Hideout  
Attn: Town Clerk  
10860 N. Hideout Trail  
Hideout, Utah 84036**

**SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR  
DEER SPRINGS COMMUNITY**

THIS SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR DEER SPRINGS COMMUNITY ("**Second Amendment**") is made and entered as of the date set forth below, by and between the Town of Hideout, a Utah municipal corporation ("**Town**"), and Holmes Western Deer Springs, LLC, a Utah limited liability company ("**Developer**").

**RECITALS**

A. Western States Ventures, L.L.C., a Utah limited liability company ("**Original Developer**") and the Town entered into that certain *Master Development Agreement for Deer Springs Community* which was recorded on August 6, 2018 as Entry No. 454483 in the official books and records of the Wasatch County Recorder; and the Original Developer Western States Ventures, L.L.C and the current Developer Holmes Western Deer Springs, LLC entered that certain *First Amendment to the Master Development Agreement for Deer Springs Community* which was recorded on September 15, 2020 as Entry No. 484657 in the official books and records of the Wasatch County Recorder, (collectively, as amended, the "MDA"). The MDA governs and encumbers the real property shown on **Exhibit A** attached hereto ("**Property**").

B. The Original Developer has conveyed the Property to the current Developer. The Original Developer has also assigned its rights, titles, interests, duties, obligations and liabilities to and under the MDA to the current Developer, and the current Developer has accepted the assignment and assumed Original Developer's duties, obligations and liabilities under the MDA, which assignment has been and/or is consented to by the Town.

C. The Town and Developer desire to amend the MDA by making certain modifications to the terms and conditions thereof. Owner acknowledges and accepts this Amendment as a modification to the terms of the MDA which are binding on the Property.

D. Pursuant to Section 25 of the MDA, the parties can amend the terms of the MDA by means of a written document signed by the Town and Developer.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and Developer hereby agree to the following:

#### **AMENDMENT**

1. **Recitals Incorporated.** The foregoing recitals are incorporated into, and made part of, this Second Amendment.
2. **Definitions.** Capitalized terms used in this Second Amendment but not otherwise defined shall have the meaning set forth in the MDA, if a meaning is provided.
3. **Amendment to Phasing Plan.** The Phasing Map, attached as Exhibit B-2.1 to the MDA, is hereby deleted in its entirety and replaced with Exhibit B-2.2, attached to this Second Amendment. For all purposes under the MDA, references to the Phasing Map shall, hereafter, mean and refer to Exhibit B-2.2, attached hereto. Exhibit B-2.2 modifies the intended location of certain of the single family home sites and Townhome sites within the Project from the layout shown on Exhibit B-2.1 (the prior phasing map). Exhibit B-2.2 also changes the boundaries of various Phases within the Project. However, notwithstanding the change to the location of certain single family home sites and Townhome sites and the change to various Phase boundaries, the Maximum Residential Units within the Project have not changed. Developer will not be permitted to construct more than one hundred eighty-eight (188) Townhome units within the Project and will

not be permitted to construct more than sixty (60) detached single family units within the Project. Notwithstanding the foregoing, when Developer submits final Plats for the Project, Developer may elect to pursue less density for each phase than is currently illustrated on Exhibit B-2.2.

4. **Amendment to Additional Compensation and Monetary Payment.** As more fully set forth therein, Section 10 of the MDA states in part: “Developer shall provide the Additional Compensation the Maintenance Building and either of the other two (2) options set forth below. . . .” As more fully set forth therein, the first sentence of Section 10.4 of the MDA states: “In addition to the Maintenance Building, the Town may elect to receive a cash payment of Six Hundred Thousand Dollars (\$600,000.00).” The second sentence of Section 10.4 is hereby deleted and replaced by the following sentence: “If the town elects a cash payment then Developer shall pay the Town Six Hundred Thousand Dollars (\$600,000.00) at or prior to the recording of the final Plat for Phase 2A or Phase 2B, (or Phases 3, 4, 5, 6, 7 or 8), whichever of such final Plats is to be recorded first; and no certificate of occupancy will be issued for a Residential Dwelling Unit in Phases 2A, 2B, 3, 4, 5, 6, 7 or 8 until the full amount of the Six Hundred Thousand Dollars (\$600,000.00) payment is received by the Town.” The Town acknowledges and agrees that the Town: previously elected to receive a cash payment of Six Hundred Thousand Dollars (\$600,000.00), pursuant to Section 10, (including Section 10.4), of the MDA; and previously agreed that the cash payment of Six Hundred Thousand Dollars (\$600,000.00) would be paid during Phase 2 of the Project. As to the above referenced payment of Six Hundred Thousand Dollars (\$600,000.00) under Section 10, (including Section 10.4), of the MDA, the Town hereby acknowledges and agrees that a prepayment of Sixty Thousand Dollars (\$60,000.00) has already been paid by Developer to, and received by, the Town. Accordingly, the Town hereby acknowledges and agrees that only Five Hundred Forty Thousand Dollars (\$540,000.00) remains

to be paid by Developer to the Town under Section 10, (including Section 10.4), of the MDA. To the extent there are any other terms in the MDA that are inconsistent with this Second Amendment, the terms of this Second Amendment control over any such other terms in the MDA.

5. **Approval by Town Council.** This Second Amendment was approved by the Town Council on \_\_\_\_\_, 202\_\_.

6. **Scope of this Second Amendment.** Other than as specifically amended herein by this Second Amendment, the terms and conditions of the MDA shall remain in full force and effect.

*[End of Amendment. Signatures Follow.]*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

ORIGINAL DEVELOPER  
Western States Ventures, LLC

TOWN  
Town of Hideout

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

OWNER AND CURRENT DEVELOPER  
Holmes Western Deer Springs, LLC

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Approved as to form:

Attest:

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Town Clerk

#### TOWN ACKNOWLEDGMENT

STATE OF UTAH )  
:ss.  
COUNTY OF WASATCH )

On the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the Mayor of the Town of Hideout, a Utah municipal corporation, and that said instrument was signed in behalf of the Town by authority of its governing body and said Mayor acknowledged to me that the Mayor executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

## DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH )

:SS.

COUNTY OF SALT LAKE )

On the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the manager of Western States Ventures, LLC , a Utah limited liability company, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

NOTARY PUBLIC

## OWNER ACKNOWLEDGMENT

STATE OF UTAH )

:SS.

COUNTY OF SALT LAKE )

On the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the manager of Holmes Western Deer Springs, LLC , a Utah limited liability company, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

NOTARY PUBLIC

My Commission Expires:

Residing at:

**EXHIBIT A**  
**(Legal Description)**



Ent 484657 Blk 1312 Pg 0947

A parcel of land lying and situate in Section 7, and the South Half of Section 6, Township 2 South, Range 5 East, Salt Lake base and Meridian. Basis of bearing for subject parcel being South 89°04'46" West 2641.14 feet measured with the north line of the Northeast Quarter of said Section 7. Subject parcel being more particularly described as follows:

Commencing at the Northeast Corner of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian, thence South 89°04'46" West 2094.25 feet to a point on the southwesterly Right of Way line of SR 248 and the True Point of Beginning;

Thence the following three (3) courses coincident with said right of way

1) South 48°59'43" East 465.48 feet; 2) South 65°52'29" East 259.50 feet to a point of curvature; 3) Southerly 286.49 feet along the arc of a 3709.27 foot radius curve to the right (center bears South 48°39'09" West) through a central angle of 04°25'31"; Thence departing said right of way North 66°35'25" East 71.73 feet to a point on the extant corporate limits of Hideout Town;

Thence the following three (3) courses coincident with said corporate limits

1) South 23°24'35" East 1340.24 feet; 2) South 25°29'35" East 538.64 feet;

3) South 26°23'32" West 505.11; Thence the following ten (10) courses coincident with Tax Parcel 00-0007-2004 and the prolongation thereof,

1) North 88°03'26" West 366.84 feet; 2) North 11°18'22" East 459.43;

3) North 81°59'52" West 8.62 feet; 4) North 78°32'09" West 38.85 feet;

5) North 89°38'58" West 53.64 feet; 6) North 81°33'13" West 326.73 feet;

7) North 83°24'39" West 154.75 feet; 8) North 85°09'53" West 155.77 feet;

9) South 00°34'00" West 516.71 feet; 10) North 88°02'03" West 850.24 feet to the easterly right of way line of Jordanelle Parkway; Thence the following eight (8) courses, coincident with the easterly right of way line of said Parkway, 1) North 62°53'59" East 171.88 feet to a point of curvature; 2) Northerly 973.14 feet along the arc of a 598.69 foot radius curve to the left (center bears North 27°06'01" West) through a central angle of 93°07'52" to a point of tangency; 3) North 30°13'53" West 228.80 feet to a point of curvature; 4) Northerly 528.29 feet along the arc of a 930.37 foot radius curve to the right (center bears North 59°46'07" East) through a central angle of 32°32'03" to a point of tangency; 5) North 02°18'10" East 427.16 feet to a point of curvature; 6) Northerly 99.71 feet along the arc of a 741.78 foot radius curve to the left (center bears North 87°41'50" West) through a central angle of 07°42'07" to a point of compound curvature; 7) Northwesterly 437.16 feet along the arc of a 537.50 foot radius curve to the left (center bears South 84°36'03" West) through a central angle of 46°35'59" to a point of reverse curvature; 8) Northwesterly 438.88 feet along the arc of a 1005.37 foot radius curve to the right (center bears North 38°00'07" East) through a central angle of 25°00'42"; Thence departing said right of way North 62°56'24" East 48.90 feet along a radial line to a point on the westerly boundary of Tax Parcel 00-0013-6221; Thence the following five (5) courses coincident with the perimeter of said parcel 1) Northwesterly 106.28 feet along the arc of a 955.37 foot radius curve to the right (center bears North 62°56'24" East) through a central angle of 06°22'27" to a point of tangency; 2) North 20°41'09" West 282.00 feet; 4) North 69°08'44" East 50.00 feet; 5) South 20°41'09" East 87.08 feet; 6) North 45°03'33" East 105.29 feet to a point on the westerly right of way of SR-248; Thence the following two (2) courses coincident with said right of way 1) South 56°09'40" East 687.17 feet; 2) South 48°59'43" East 232.71 feet to the point of beginning.

Contains 3,566,877 sq. ft. or 81.88 acres

Ent 484657 Bk 1312 Pg 0948

A parcel of land lying and situate in the North Half of Section 7, and the Southeast Quarter of Section 6, Township 2 South, Range 5 East, Salt Lake base and Meridian. Basis of bearing for subject parcel being South 89°04'46" West 2641.14 feet measured with the north line of the Northeast Quarter of said Section 7. Subject parcel being more particularly described as follows:

Commencing at the North Quarter Corner of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian, thence South 89°06'24" West 503.97 feet to the True Point of Beginning:

Thence North 04°23'00" East 499.65 feet coincident with the west line of Wasatch County Tax Parcel 00-0020-3848; Thence North 69°18'51" East 1.49 feet to a point on the westerly right of way line of Jordanelle Parkway; Thence following seven (7) courses, coincident with the westerly right of way line of said Parkway, 1) Southerly 6.90 feet along the arc of a 594.78 foot radius curve to the right (center bears South 69°19'56" West) through a central angle of 00°39'54" to a point of tangency; 2) South 20°00'11" East 263.39 feet to a point of curvature; 3) Southerly 603.31 feet along the arc of a 1080.37 foot radius curve to the left (center bears North 69°59'49" East) through a central angle of 31°59'45" to a point of reverse curvature; 4) Southerly 376.16 feet along the arc of a 462.50 foot radius curve to the right (center bears South 38°00'04" West) through a central angle of 46°35'59" to a point of compound curvature; 5) Southerly 89.63 feet along the arc of a 666.78 foot radius curve to the right (center bears South 84°36'03" West) through a central angle of 07°42'07" to a point of tangency; 6) South 02°18'10" West 427.16 feet to a point of curvature; 7) Southerly 43.39 feet along the arc of a 1005.37 foot radius curve to the left (center bears South 87°41'50" East) through a central angle of 02°28'22" to a point of curvature; Thence departing said westerly right of way South 89°53'38" West 83.72 feet coincident with the south boundary of said Wasatch County Tax Parcel 00-0007-1964; Thence the following two (2) courses coincident with the west boundary of said Tax Parcel, 1) North 28°16'22" West 135.68 feet; 2) North 26°20'22" West 1114.00 feet to the point of beginning.

Contains 391,297 sq. ft. or 8.98 acres



Ent 484657 Bk 1312 Pg 0949

A parcel of land lying and situate in the Southwest Quarter of Section 6, Township 2 South, Range 5 East, Salt Lake base and Meridian. Basis of bearing for subject parcel being South 89°04'46" West 2641.14 feet measured coincident with the south line of the Southwest Quarter of said Section 6. Subject parcel being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 6, thence North 33°23'22" West 638.87 feet to the True Point of Beginning;

Thence South 20°41'09" East 20.00 feet; Thence South 69°08'44" West 120.71 feet; Thence North 20°41'09" West 13.10 feet to a point of curvature; Thence Northerly 6.90 feet along the arc of a 594.78 foot radius curve to the right (center bears South 69°19'56" West) through a central angle of 00°39'54"; Thence North 69°08'44" East 120.51 feet to the point of beginning.

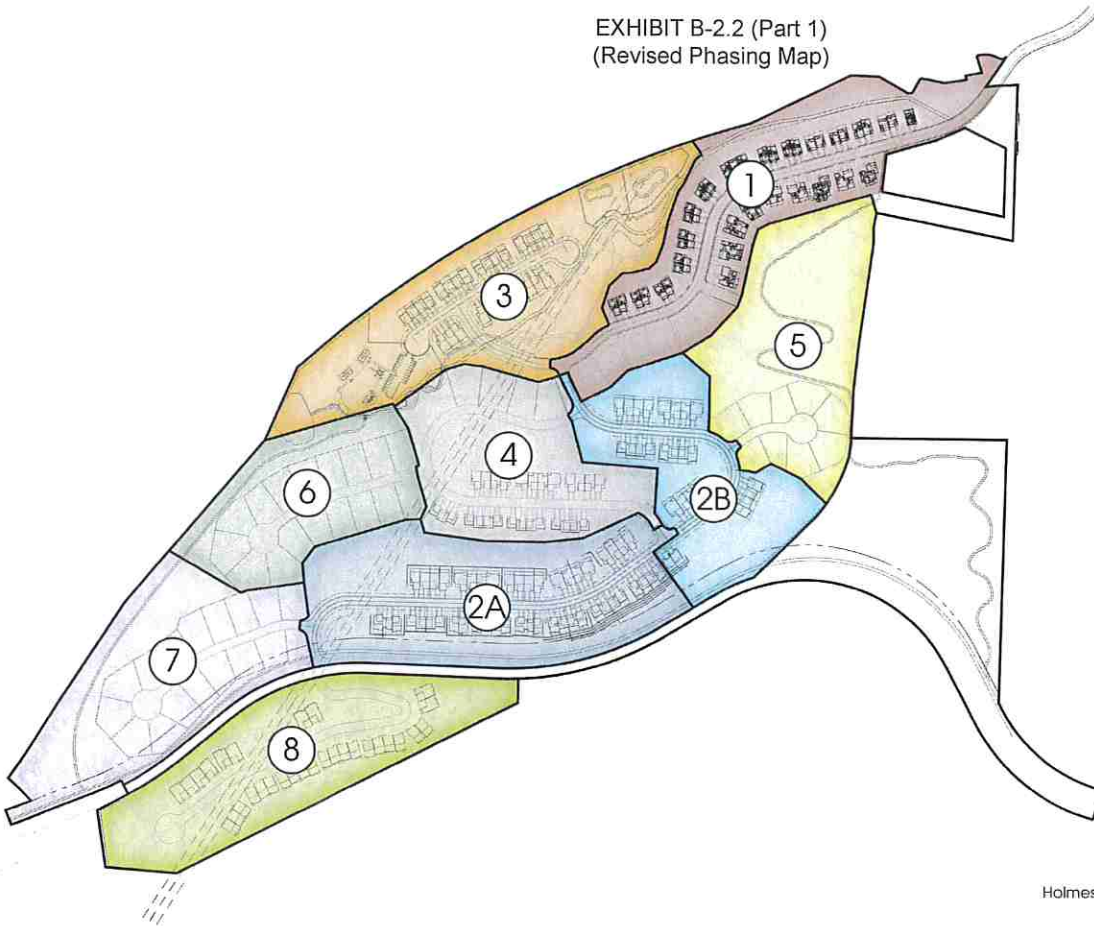
Contains 2,412 sq. ft. or 0.06 acres

21-3164

21-3161

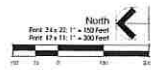
21-3163

EXHIBIT B-2.2 (Part 1)  
(Revised Phasing Map)



Phasing Plan

	Single-family units	Residential	Commercial	Public
Phase 1	15	18	12	45
Phase 2A	18	20	10	48
Phase 2B	14	12	10	36
Phase 3	3	15	12	30
Phase 4	8	10	10	28
Phase 5	12	10	10	32
Phase 6	12	10	10	32
Phase 7	12	10	10	32
Phase 8	12	10	10	32
<b>Totals</b>	<b>60</b>	<b>55</b>	<b>42</b>	<b>248</b>



## DEER SPRINGS

Holmes Homes . 126 West Sego Lily Drive, Suite 250 . Sandy, Utah



R. MICHAEL KELLY CONSULTANTS

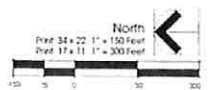
Land Planning . Landscape Architecture

1111 West 101st North, Suite 200 . Salt Lake City, UT 84114 . Tel: 313.777.1111 . Fax: 313.777.1112

EXHIBIT B-2.2 (Part 2)  
(Revised Phasing Chart)

# Phasing Plan . Deer Springs, Hideout, Utah . Holmes Homes

	Single family lots	Townhomes		Total Units
		Uphill Units	Downhill Units	
Phase One	15	18	12	45
Phase Two A		28	20	48
Phase Two B		14	12	26
Phase Three			27	27
Phase Four	3	15	12	30
Phase Five	9			9
Phase Six	17			17
Phase Seven	16			16
Phase Eight		20	10	30
Totals	60	95	93	248



23 APRIL 2023  
Phasing Plan

## DEER SPRINGS

Hideout, Utah

Holmes Homes . 126 West Sego Lily Drive, Suite 250 . Sandy, Utah



R. MICHAEL KHY CONSULTANTS

Land Planning | Landscape Architecture

PO Box 309 Mendocino, CA 94550 | (707) 248-2187 | info@rmkhy.com and web

# 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 apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code, to conditions which, in the opinion of the code official, constitute a distinct hazard to life or property.

### **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 m<sup>2</sup>) 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.

**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-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 ASTM E 136 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 m<sup>2</sup>).

**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 placed at each driveway entrance 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 m<sup>2</sup>) 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 m<sup>2</sup>) 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.

Item # 1.

## **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 m<sup>2</sup>) 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 <sup>a</sup>**

DEFENSIBLE SPACE <sup>c</sup>	FIRE HAZARD SEVERITY					
	Moderate Hazard		High Hazard		Extreme Hazard	
	Water Supply <sup>b</sup>		Water Supply <sup>b</sup>		Water Supply <sup>b</sup>	
	Conforming <sup>d</sup>	Nonconforming <sup>e</sup>	Conforming <sup>d</sup>	Nonconforming <sup>e</sup>	Conforming <sup>d</sup>	Nonconforming <sup>e</sup>
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 3/4-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 1 3/4 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 m<sup>2</sup>) each. Such vents shall be covered

with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 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 3/4 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 m<sup>2</sup>) 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 m<sup>2</sup>) 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.

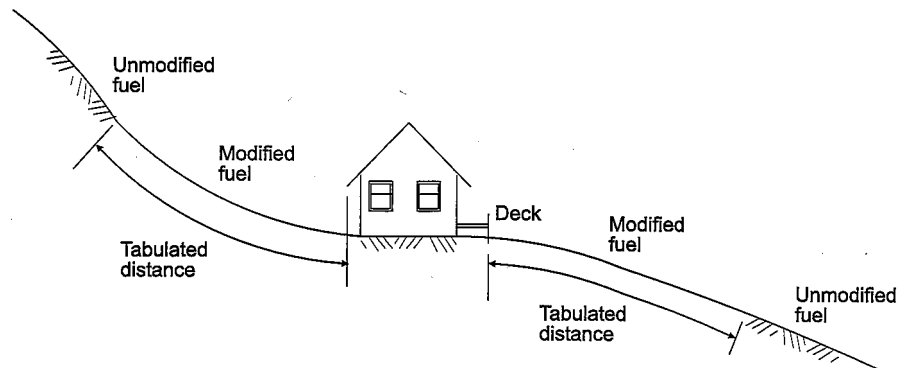
Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

**TABLE 603.2  
REQUIRED DEFENSIBLE SPACE**

WILDLAND-URBAN INTERFACE AREA	FUEL MODIFICATION DISTANCE (feet) <sup>a</sup>
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**

## 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.

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## APPENDIX A GENERAL REQUIREMENTS

*The provisions contained in this appendix are optional.*

### SECTION A101 GENERAL

**A101.1 Scope.** The provisions of this appendix establish general requirements applicable to new and existing properties located within wildland-urban interface areas.

**A101.2 Objective.** The objective of this appendix is to provide necessary fire-protection measures to reduce the threat of wildfire in an wildland-urban interface area and improve the capability of controlling such fires.

### SECTION A102 VEGETATION CONTROL

**A102.1 General.** Vegetation control shall comply with Sections A102.2 through A102.4.

**A102.2 Clearance of brush or vegetative growth from roadways.** The code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of nonfire-resistive vegetation growth.

**Exception:** Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

**A102.3 Clearance of brush and vegetative growth from electrical transmission and distribution lines.**

#### A102.3.1 General.

Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section A102.3.

Exception: Section A102.3 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

**A102.3.2 Support clearance.** Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the code official.

**Exception:** Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

**A102.3.3 Electrical distribution and transmission line clearances.**

**A102.3.3.1 General.** Clearances between vegetation and electrical lines shall be in accordance with Section A102.3.3.

**A102.3.3.2 Trimming clearance.** At the time of trimming, clearances not less than those established by Table A102.3.3.2 shall be provided. The radial clearances shown below are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

**Exception:** The code official is authorized to establish minimum clearances different than those specified by Table A102.3.3.2 when evidence substantiating such other clearances is submitted to and approved by the code official.

**TABLE A102.3.3.2  
MINIMUM CLEARANCES BETWEEN VEGETATION  
AND ELECTRICAL LINES AT TIME OF TRIMMING**

LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
2,400-72,000	4
72,001-110,000	6
110,001-300,000	10
300,001 or more	15

For SI: 1 foot = 304.8 mm.

**A102.3.3.3 Minimum clearance to be maintained.** Clearances not less than those established by Table A102.3.3.3 shall be maintained during such periods of time as designated by the code official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to the high voltage lines.

**Exception:** The code official is authorized to establish minimum clearances different than those specified by Table A102.3.3.3 when evidence substantiating such other clearances is submitted to and approved by the code official.

**TABLE A102.3.3.3**  
**MINIMUM CLEARANCES BETWEEN VEGETATION**  
**AND ELECTRICAL LINES TO BE MAINTAINED**

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30.5
230,001-500,000	115

For SI: 1 inch = 25.4 mm.

**A102.3.3.4 Electrical power line emergencies.** During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table A102.3.3.3.

**A102.4 Correction of condition.** The code official is authorized to give notice to the owner of the property on which conditions regulated by Section A102 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

### SECTION A103 ACCESS RESTRICTIONS

**A103.1 Restricted entry to public lands.** The code official is authorized to determine and publicly announce when wildland-urban interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildland-urban interface areas, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the wildland-urban interface area is closed to entry, is prohibited.

#### Exceptions:

1. Residents and owners of private property within wildland-urban interface areas and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

#### A103.2 Trespassing on posted private property.

**A103.2.1 General.** When the code official determines that a specific area within an wildland-urban interface area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section A103.2.2.

**A103.2.2 Signs.** Approved signs prohibiting entry by unauthorized persons and referring to this code shall be placed on every closed area.

**A103.2.3 Trespassing.** Entering and remaining within areas closed and posted is prohibited.

**Exception:** Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

#### A103.3 Use of fire roads and defensible space.

Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

**Exception:** Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

**A103.4 Use of motorcycles, motor scooters, ultralight aircraft and motor vehicles.** Motorcycles, motor scooters, ultralight aircraft and motor vehicles shall not be operated within wildland-urban interface areas, without a permit by the code official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

**A103.5 Tampering with locks, barricades, signs and address markers.** Locks, barricades, seals, cables, signs and address markers installed within wildland-urban interface areas, by or under the control of the code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the code official shall not be unlocked.

### SECTION A104 IGNITION SOURCE CONTROL

**A104.1 General.** Ignition sources shall be in accordance with Section A104.

**A104.2 Objective.** Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

**A104.3 Clearance from ignition sources.** Clearance between ignition sources and grass, brush or other combustible materials shall be maintained a minimum of 30 feet (9144 mm).

**A104.4 Smoking.** When required by the code official, signs shall be posted stating NO SMOKING. No person shall

smoke within 15 feet (4572 mm) of combustible materials or nonfire-resistive vegetation.

**Exception:** Places of habitation or in the boundaries of established smoking areas or campsites as designated by the code official.

**A104.5 Equipment and devices generating heat, sparks or open flames.** Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in wildland-urban interface areas without a permit from the code official.

**Exception:** Use of approved equipment in habited premises or designated campsites that are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

**A104.6 Fireworks.** Fireworks shall not be used or possessed in wildland-urban interface areas.

**Exception:** Fireworks allowed by the code official under permit in accordance with the International Fire Code when not prohibited by applicable local or state laws, ordinances and regulations.

The code official is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

#### **A104.7 Outdoor fires.**

**A104.7.1 General.** No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any wildland-urban interface area, except by the authority of a written permit from the code official.

**Exception:** Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from any combustible material or nonfire-resistive vegetation.

**A104.7.2 Permits.** Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under the following conditions:

1. When high winds are blowing,
2. When a person 17 years old or over is not present at all times to watch and tend such fire, or
3. When a public announcement is made that open burning is prohibited.

**A104.7.3 Restrictions.** No person shall use a permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

**A104.8 Incinerators, outdoor fireplaces, permanent barbecues and grills.** Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in wildland-urban interface areas without approval of the code official.

Incinerators, outdoor fireplaces, permanent barbecues grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen or door.

**Exception:** When approved by the code official, unprotected openings in barbecues and grills necessary for proper functioning.

**A104.9 Reckless behavior.** The code official is authorized to stop any actions of a person or persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

**A104.10 Planting vegetation under or adjacent to energized electrical lines.** No vegetation shall be planted under or adjacent to energized power lines that, at maturity, shall grow within 10 feet (3048 mm) of the energized conductors.

### **SECTION A105 CONTROL OF STORAGE**

**A105.1 General.** In addition to the requirements of the International Fire Code, storage and use of the materials shall be in accordance with Section A105.

**A105.2 Hazardous materials.** Hazardous materials in excess of 10 gallons (37.8 L) of liquid, 200 cubic feet (5.66 m<sup>3</sup>) of gas, or 10 pounds (4.54 kg) of solids require a permit and shall comply with nationally recognized standards for storage and use.

**A105.3 Explosives.** Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas, except by permit from the code official.

#### **A105.4 Combustible materials.**

**A105.4.1 General.** Outside storage of combustible materials such as, but not limited to, wood, rubber tires, building materials or paper products shall comply with the other applicable sections of this code and this section.

**A105.4.2 Individual piles.** Individual piles shall not exceed 5,000 square feet (465 m<sup>2</sup>) of contiguous area. Piles shall not exceed 50,000 cubic feet (1416 m<sup>3</sup>) in volume or 10 feet (3048 mm) in height.

**A105.4.3 Separation.** A clear space of at least 40 feet (12 192 mm) shall be provided between piles. The clear space shall not contain combustible material or nonfire-resistive vegetation.

### **SECTION A106 DUMPING**

**A106.1 Waste material.** Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.

**Exception:** Approved public and approved private dumping areas.



**A106.2 Ashes and coals.** Ashes and coals shall not be placed, deposited or dumped in or on wildland-urban interface areas.

**Exceptions:**

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tightfitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from nonfire-resistive vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from nonfire-resistive vegetation or structures.

**SECTION A107  
PROTECTION OF PUMPS AND  
WATER STORAGE FACILITIES**

**A107.1 General.** The reliability of the water supply shall be in accordance with Section A107.

**A107.2 Objective.** The intent of this section is to increase the reliability of water storage and pumping facilities and to protect such systems against loss from intrusion by fire.

**A107.3 Fuel modification area.** Water storage and pumping facilities shall be provided with a defensible space of not less than 30 feet (9144 mm) clear of nonfire-resistive vegetation or growth around and adjacent to such facilities.

Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this defensible space are responsible for clearing and removing nonfire-resistive vegetation and maintaining the defensible space on the property owned, leased or controlled by said person.

**A107.4 Trees.** Portions of trees that extend to within 30 feet (9144 mm) of combustible portions of water storage and pumping facilities shall be removed.

**A107.5 Protection of electrical power supplies.** When electrical pumps are used to provide the required water supply, such pumps shall be connected to a standby power source to automatically maintain electrical power in the event of power loss. The standby power source shall be capable of providing power for a minimum of two hours in accordance with the ICC Electrical Code.

Exception: A standby power source is not required where the primary power service to pumps are underground and approved by the code official.

**SECTION A108  
LAND USE LIMITATIONS**

**A108.1 General.** Temporary fairs, carnivals, public exhibitions and similar uses must comply with all other provisions of this code in addition to enhanced ingress and egress requirements.

**A108.2 Objective.** The increased public use of land or structures in wildland-urban interface areas also increases

the potential threat to life safety. The provisions of this section are intended to reduce that threat.

**A108.3 Permits.** Temporary fairs, carnivals, public exhibitions or similar uses shall not be allowed in a designated wildland-urban interface area, except by permit from the code official.

Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property.

**A108.4 Access roadways.** In addition to the requirements in Section 403, access roadways shall be a minimum of 24 feet (7315 mm) wide and posted NO PARKING. Two access roadways shall be provided to serve the permitted use area.

When required by the code official to facilitate emergency operations, approved emergency vehicle operating areas shall be provided.

**SECTION A109  
REFERENCED STANDARDS**

IFC-2006      International Fire Code      A104.6, A105.1

## APPENDIX B

# VEGETATION MANAGEMENT PLAN

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### SECTION B101

#### GENERAL

**B101.1 Scope.** Vegetation management plans shall be submitted to the code official for review and approval as part of the plans required for a permit.

**B101.2 Plan content.** Vegetation management plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the building. A vegetation management plan shall include at least the following information:

1. A copy of the site plan.
2. Methods and timetables for controlling, changing or modifying areas on the property. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.
3. A plan for maintaining the proposed fuel-reduction measures.

**B101.3 Fuel modification.** To be considered a fuel modification for purposes of this code, continuous maintenance of the clearance is required.

APPENDIX C  
FIRE HAZARD SEVERITY FORM

Item # 1.

*This appendix is to be used to determine the fire hazard severity.*

Owner Name: \_\_\_\_\_ Building Address: \_\_\_\_\_

**A. Subdivision Design (Fire District)**

**1. Ingress/Egress**

Two or more primary roads 1\_\_\_\_\_  
One road 10\_\_\_\_\_  
One-lane road in, one-lane road out 15\_\_\_\_\_

**2. Width of Primary Road**

20 feet or more 1\_\_\_\_\_  
Less than 20 feet 5\_\_\_\_\_

**3. Accessibility**

Road grade 5% or less 1\_\_\_\_\_  
Road grade 5-10% 5\_\_\_\_\_  
Road grade greater than 10% 10\_\_\_\_\_

**4. Secondary Road Terminus**

Loop roads, cul-de-sacs with an outside turning radius of 45 feet or greater 1\_\_\_\_\_  
Cul-de-sac turnaround 5\_\_\_\_\_  
Dead-end roads 200 feet or less in length 8\_\_\_\_\_  
Dead-end roads greater than 200 feet in length 10\_\_\_\_\_

**5. Street Signs**

Present and approved 0\_\_\_\_\_  
Present but unapproved 3\_\_\_\_\_  
Not present 5\_\_\_\_\_

**B. Vegetation (IUWIC Definitions)**

**1. Fuel Types (within the defensible space)**

Surface Lawn/noncombustible 1\_\_\_\_\_  
Grass/short brush 5\_\_\_\_\_  
Scattered dead/down woody material 10\_\_\_\_\_  
Abundant dead/down wood material 15\_\_\_\_\_  
Overstory  
Deciduous trees (except tall brush) 3\_\_\_\_\_  
Mixed deciduous trees and tall brush 10\_\_\_\_\_  
Clumped/scattered conifers and/or tall brush 15\_\_\_\_\_  
Contiguous conifer and/or tall brush 20\_\_\_\_\_

**2. Defensible Space (Lot Specific)**

70% or more of lots completed 1\_\_\_\_\_  
30% to 69% of lots completed 10\_\_\_\_\_  
Less than 30% of lots completed 20\_\_\_\_\_

**C. Topography**

Located on flat, base of hill or setback at crest of hill 1\_\_\_\_\_  
On slope with 0-20% grade 5\_\_\_\_\_  
On slope with 21-30% grade 10\_\_\_\_\_  
On slope with 31% grade or greater 15\_\_\_\_\_  
At crest of hill with unmitigated vegetation below 20\_\_\_\_\_

**D. Roofing Material**

Class A Fire Rated 1\_\_\_\_\_  
Class B Fire Rated 5\_\_\_\_\_  
Class C Fire Rated 10\_\_\_\_\_  
Non-rated 20\_\_\_\_\_

**E. Fire Protection—Water Source**

1000 GPM hydrant within 600 feet 1\_\_\_\_\_  
Hydrant farther than 600 feet or draft site 5\_\_\_\_\_  
Approved water source 20 min or less round trip 10\_\_\_\_\_  
Approved water source farther than 20 min, and 45 min or less round trip 15\_\_\_\_\_  
Approved water source farther than 45 min round trip 20\_\_\_\_\_

**F. Siding and Decking**

Noncombustible siding/deck 1\_\_\_\_\_  
Combustible side/no deck 5\_\_\_\_\_  
Noncombustible siding/combustible deck 10\_\_\_\_\_  
Combustible siding and deck 15\_\_\_\_\_

**G. Utilities (gas and/or electrical)**

All underground utilities 1\_\_\_\_\_  
One underground, one aboveground 3\_\_\_\_\_  
All aboveground 5\_\_\_\_\_

**Total for Subdivision or Site**

0

Moderate Hazard 50-75  
High Hazard 76-100  
Extreme Hazard 101+

Fire District Approval \_\_\_\_\_

Approval Date & Stamp \_\_\_\_\_

## ORDINANCE #2022 – O-\_\_\_\_\_

AN ORDINANCE ADOPTING TITLE 10 CHAPTER 10.05 UTAH WILDLAND-URBAN INTERFACE  
CODE

WHEREAS, the Town of Hideout Town Council (“Council”) wished to promote the health, safety and welfare of those who live in properties in the Town of Hideout; and,

WHEREAS, the entire Town of Hideout (Town) is within a Wildland-Urban Interface area; and,

WHEREAS, wildfire risk is an issue for the properties in the Town;

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

SECTION I: Adopted. The following Chapter is hereby adopted.

**10.05.01 The 2006 Utah Wildland-Urban Interface Code**

The 2006 Utah Wildland-Urban Interface Code, as adopted by the State of Utah and published by the International Code Council is hereby adopted along with Appendix A and Appendix B. Appendix C is amended and adopted as per the attached Appendix C.

**10.05.02 Land Subject To Utah Wildland-Urban Interface Code**

All the lands within the town limits of the Town of Hideout are designated by the Utah Division of Forestry, Fire and State Lands as Wildland-Urban Interface.

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

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this \_\_\_\_ day of \_\_\_\_\_ in the year 2022.

TOWN OF HIDEOUT

\_\_\_\_\_  
Phil Rubin, Mayor

ATTEST:

\_\_\_\_\_  
Alicia Fairbourne, Town Clerk

## ORDINANCE #2022-O-01

## AN ORDINANCE ADOPTING THE OFFICIAL ZONING MAP FOR THE TOWN OF HIDEOUT

WHEREAS, the Town of Hideout pursuant to Section 12.02.14 requires that an Official Zoning Map be adopted by the Town Council and executed by Mayor;

WHEREAS, the Hideout Planning Commission held public hearings and reviewed the Official Zoning Map on August 9, 2021, September 16, 2021, and October 21, 2021 and forwarded a positive recommendation to the Town Council to adopt the Map;

WHEREAS, the Hideout Town Council held public hearings and reviewed the Official Zoning Map on November 10, 2021 and December 9, 2021.

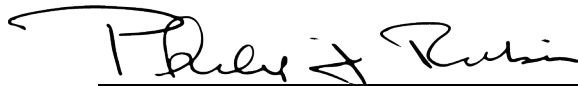
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH, THAT:

SECTION I: Adopted. The Official Zoning Map for the Town of Hideout, as depicted in Exhibit A, is hereby adopted.

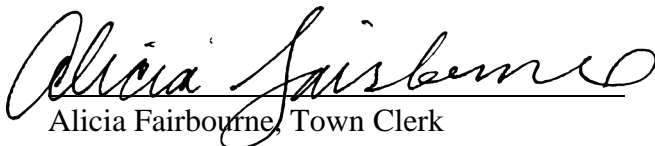
Section II: Effective Date. This Ordinance shall take effect upon publication.

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

TOWN OF HIDEOUT

  
Phil Rubin, Mayor

ATTEST:

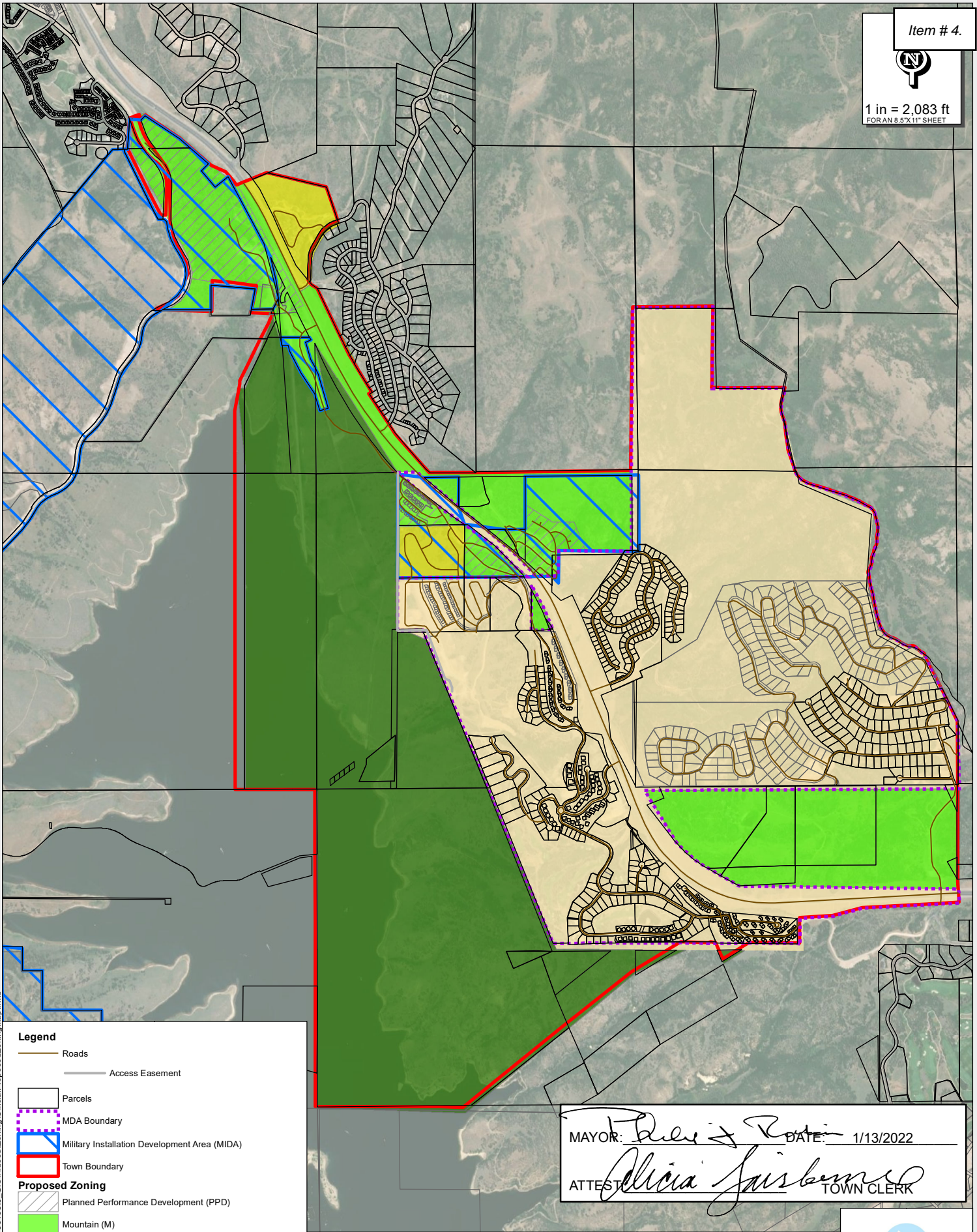
  
Alicia Fairbourne, Town Clerk







1 in = 2,083 ft  
FOR AN 8.5"x11" SHEET



**Legend**

- Roads
- Access Easement
- Parcels
- MDA Boundary
- Military Installation Development Area (MIDA)
- Town Boundary
- Proposed Zoning**
- Planned Performance Development (PPD)
- Mountain (M)
- Open Space (OS)
- Residential Medium Density (RMD)
- Resort Specially Planned Area (RSPA)

MAYOR:

*Paul & Robin*

DATE:

1/13/2022

ATTEST:

*Alicia Fairbanks*

TOWN CLERK

**TOWN OF HIDEOUT ZONING MAP**

DATE: 1/13/2022

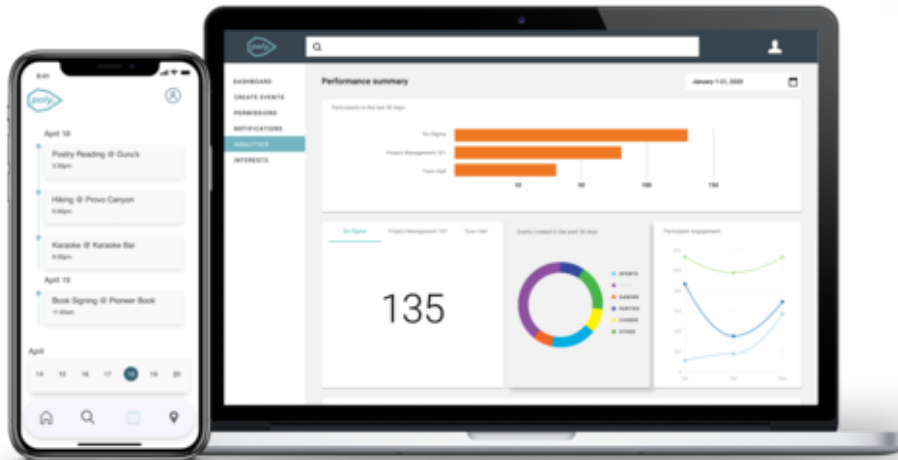
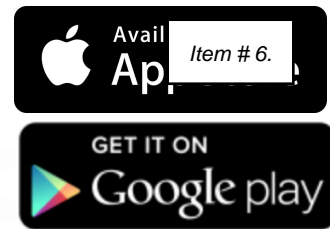
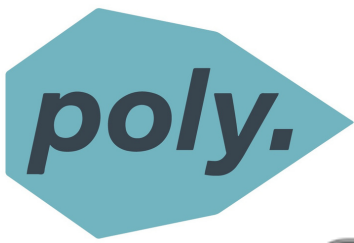


<b>Municipality</b>	<b>Gross Revenue, General Fund Budget</b>	
Millville City	\$1.15 million	\$1,150,000
North Salt Lake	\$14 million	\$14,000,000
West Point City	\$4 million	\$4,000,000
Clearfield City	\$23 million	\$23,000,000
Heber City	\$11.2 million	\$11,200,000
Washington City	\$26 million	\$26,000,000
Lehi City	\$43.6 million	\$43,600,000
Holladay	\$22.2 million	\$22,200,000
Murray City	\$46 million	\$46,000,000
Spanish Fork	\$32 million	\$32,000,000
Park City	\$43 million	\$43,000,000
Wasatch Co	\$28 million	\$28,000,000
Summit Co	\$46 million	\$46,000,000

**Annual Council Pay**

\$3,600	0.31%
\$6,000	0.04%
\$6,600	0.17%
\$8,880	0.04%
\$10,795	0.10%
\$14,000	0.05%
\$14,615	0.03%
\$15,148	0.07%
\$16,070	0.03%
\$17,796	0.06%
\$23,435	0.05%
\$32,515	0.12%
\$45,475	0.10%



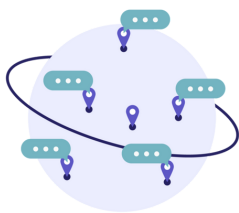


# A PLATFORM FOR ORGANIZATIONAL ENGAGEMENT!

For Cities

## ABOUT US

Poly is an organizational engagement tool that serves as a centralized platform for cities, businesses, and schools



### CONNECT YOUR COMMUNITY

The Poly Platform connects like-minded individuals within an organization through real-time organizational sponsored activities and events within the app. Send push notifications to instantly notify your community!



### COLLECT REAL-TIME DATA

Poly enables the ability to get real-time user insights on your desktop, tablet, and phone. Administrators are equipped with an analytic dashboard, survey tools, and polling capabilities to better understand their employees, residents, or students.



### CENTRAL HUB

Poly is an exclusive platform tailored to an organization or municipality. The exclusivity of Poly increases connectivity within your organization and decreases external noise.



## FEATURES



**News Feed - Calendar - Mobile App - Robust Web Platform - Mass Notification System - Permissions - Analytics Dashboard - Data Analysis - Polling & Survey Capability - Event Creation - Questionnaires - Privacy - Ability to display Maps and PDF Documents - Express Bill Pay Integration - 411 Messaging Tool - Reporting Tool**

**REQUEST LIVE DEMO**

**IN TOUCH: - [hello@getpolyplatform.com](mailto:hello@getpolyplatform.com) - (650) 630-8394 - [www.getpolyplatform.com](http://www.getpolyplatform.com)**



Find.  
Connect.  
Experience.





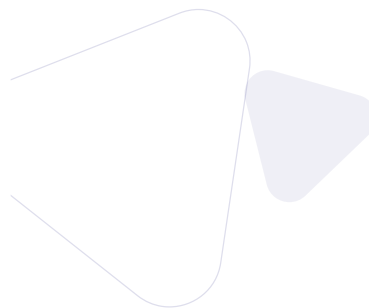
## What Is Poly?

Poly is a community engagement platform servicing residents in cities of all sizes. As a streamlined platform for a city's recreational events and activities, Poly helps residents increase their local network and strengthens the voice of city administrators.



## How Does Hideout Utilize Poly Platform Externally?

Serve as a white-labeled mobile platform facilitating the ability for Hideout to administer their very own resident engagement platform.



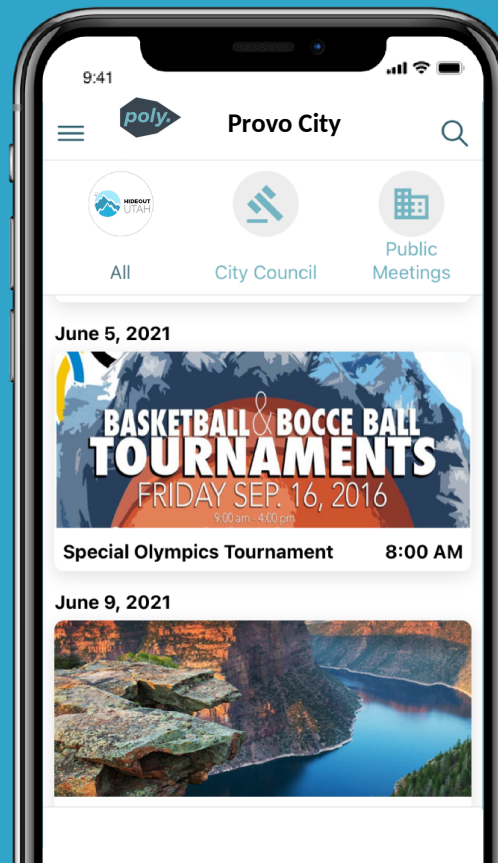
# White Labeled Mobile App Login Screen

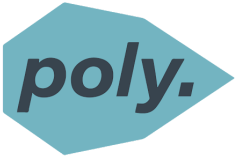


# City Administrative View



# City Resident View





## External Use

Engagement app for Hideout residents

City officials will have the ability to connect with their residents via surveys, polls, and push notifications

Serve as a one-stop shop for residents

Users will be able to interface with Hideout directly to ask questions about activities, recreational events, and more via the messaging tool



# Features

- Instant Notifications
- 411 Messaging
- Mobile App
- Web Platform
- Questionnaires
- Analytic Dashboard
- Polling
- Surveys
- Mass Notification System
- Event Creation
- Document Uploads
- Reporting Tool
- Module Creation
- Xpress Bill Pay Integration



## Ease of Use

Integrates well with Hideout's website

Minimal technical lift on behalf of Hideout

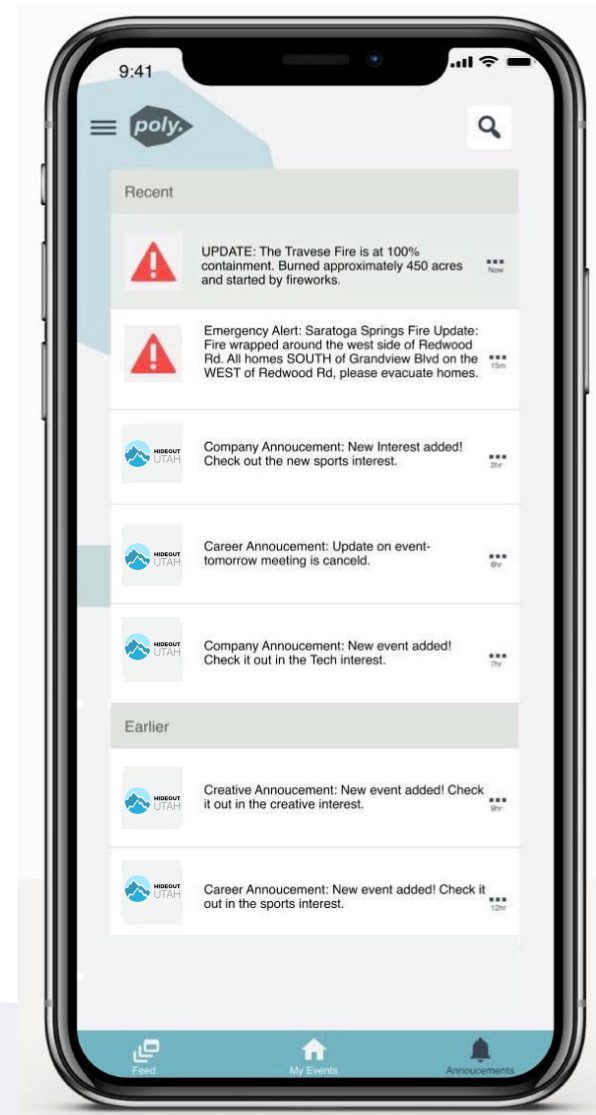
Intuitive platform that enables Hideout to have clear communication with residents



# Notifications

## Use Poly Platform's notification tool to:

- Send push notifications for activities and events
- Instantly send city-wide alerts to residents
- Notify subscribed recipients about changed recreational events





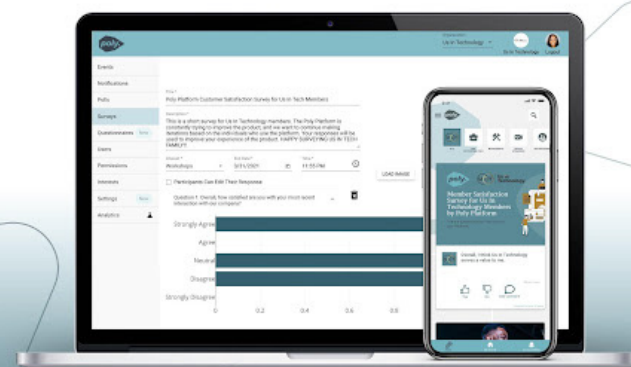
# Surveys & Polls

## Poly Platform Survey and Polling Provides:

Poly Platform offers a robust set of easy-to-use survey and polling features, including the following:

- Secured login for surveys/polls (no noise from outsiders)
- The ability for city administrators to create ad-hoc polls for instant feedback with charts and graphs to summarize survey results
- Schedulable recurring polls/surveys
- Convenience and security of mobile app (no duplicate survey takers, user-based feedback)
- Outreach to residents using Poly's mobile app via push-notifications
- Downloadable raw data for polls, surveys, and questionnaires
- Built-in dashboards for real-time visualization of survey, poll, and questionnaire results

Poly Platform enables the ability to receive real-time user insights!



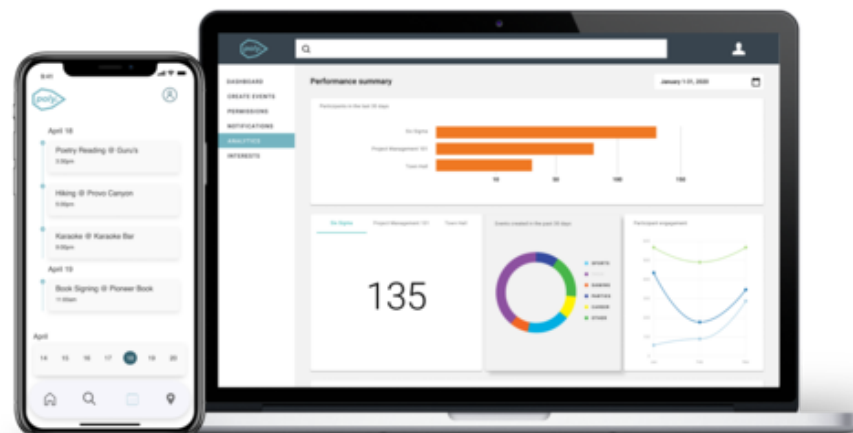
Create Polls and Surveys in seconds!



# Analytics

In addition to the survey and polling features mentioned above, Poly Platform's Analytics team provides the following data analytics services. You have access to the following services as part of your engagement with Poly Platform:

- Scientifically curated survey questions to meet your requirements (you name the topic; Poly's Analytics team will write the questions)
- Statistically weighted surveys to ensure results are representative of Hideout's population demographics
- Short- and long-term trend analysis of multiple survey responses over time
- Management-oriented analyses including conjoint analysis, importance-satisfaction analysis, and others
- Statistical consultation for existing city datasets that you would like analyzed



# How Much Do You Save with Poly Platform?



A Platform for Civic Engagement !

## FEATURES COMPARISON

### FEATURES BY COST FOR A CITY OF YOUR SIZE

Qualtrics (Survey + Polling) \$5,000  
Annual

Everbridge Public Notification (Mobile  
Push Notifications) \$5,000 Annual

Constant Contact (Newsletter) \$3,000  
Annual

Event System (Event Creation)

Custom Mobile App (Central Hub).  
\$25,000 plus

Data Aggregation/Analyzation (Collect  
Real-Time Data) \$500 plus per request

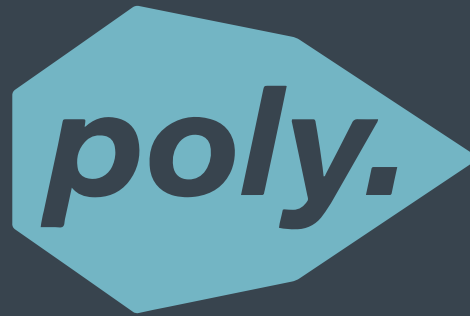
### SOME ALTERNATIVES



### POLY PLATFORM



# Thank You!



# POLY PLATFORM COST STRUCTURE

Item # 6.

GETPOLYPLATFORM.COM

Website



HELLO@GETPOLYPLATFORM.COM

Contact

## ORIGINAL PRICE

### IMPLEMENTATION FEE (ONE TIME):

\$ 1,000

### ANNUAL COST (PER RESIDENT)

0-25,000: \$0.75 per  
resident

25,001-50,000: \$0.50

50,001-75,000: \$0.45

75,0001-100,000:\$0.35

100,000+: \$0.25



## GRANDFATHERED DISCOUNT PRICE

### IMPLEMENTATION FEE (ONE TIME):

\$500

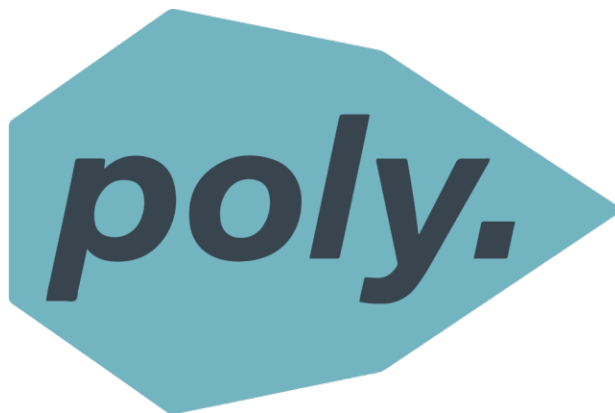
### ANNUAL COST (PER RESIDENT)

Annual Cost: \$3.600

Monthly Cost: \$300

TOWN OF HIDEOUT POPULATION:  
1,050





## GENERAL SERVICE AGREEMENT

**THIS GENERAL SERVICE AGREEMENT (the "Agreement") is dated this 1st day of February, 2022.**

### CLIENT

Town of Hideout  
10860 N Hideout Trail, Heber City,  
UT 84032 (the "Client")

### CONTRACTOR

Poly Platform  
355 North Mill Road B-303, Vineyard,  
UT 84059  
(the "Contractor")

### BACKGROUND

- A. The Client is of the opinion that the Contractor has the necessary qualifications, experience and abilities to provide services to the Client.
- B. The Contractor is agreeable to providing such services to the Client on the terms and conditions set out in this Agreement.

**IN CONSIDERATION OF** the matters described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the Client and the Contractor (individually the "Party" and collectively the "Parties" to this Agreement) agree as follows:

### SERVICES PROVIDED

1. The Client hereby agrees to engage the Contractor to provide the Client with the following services (the "Services"):
  - Provide on-boarding service and access to application.

agrees to provide such Services to the Client.

## TERM OF AGREEMENT

3. The term of this Agreement (the "Term") will begin on the date of this Agreement and will remain in full force and effect until 36 months after date of signed agreement (February 1st, 2025), subject to earlier termination as provided in this Agreement. The Term may be extended with the written consent of the Parties.
4. In the event that either Party wishes to terminate this Agreement prior to the 36-month period (February 1st, 2025), that Party will be required to provide 30 days' written notice to the other Party.

## PERFORMANCE

5. The Parties agree to do everything necessary to ensure that the terms of this Agreement take effect.

## CURRENCY

6. Except as otherwise provided in this Agreement, all monetary amounts referred to in this Agreement are in USD (US Dollars).

## COMPENSATION

7. The Contractor will charge the Client a one-time Implementation Fee of \$500 (implementation fee) (the "Compensation")
8. The Contractor will charge the Client a monthly fee of \$300.00 for Member Engagement Services (member engagement platform) (the "Compensation").
9. The Client will be invoiced when the Services are complete.
10. Invoices submitted by the Contractor to the Client are due within 7 days of receipt.
11. In the event that this Agreement is terminated by the Client prior to completion of the Services, the Contractor will be entitled to a service fee of 1 year's compensation, provided that there has been no breach of contract on the part of the Contractor. In the event that this Agreement is terminated by the Client after the 36-month Service period, the Contractor will not be entitled to the service fee of three months' compensation, provided that there has been no breach of contract on the part of the Contractor.
12. The Contractor will not be reimbursed for any expenses incurred in connection with providing the Services of this Agreement.
13. Additional compensation: N/A

## CONFIDENTIALITY

14. Confidential information (the "Confidential Information") refers to any data or information relating to the business of the Client which would reasonably be considered to be proprietary to the Client including, but not limited to, accounting records, business processes, and client records and that is not generally known in the industry of the Client and where the release of that Confidential Information could reasonably be expected to cause harm to the Client.
15. The Contractor agrees that they will not disclose, divulge, reveal, report or use, for any purpose, any Confidential Information which the Contractor has obtained, except as authorized by the Client or as required by law. The obligations of confidentiality will apply during the Term and will

survive indefinitely upon termination of this Agreement.

16. All written and oral information and material disclosed or provided by the Client to the Contractor under this Agreement is Confidential Information regardless of whether it was provided before or after the date of this Agreement or how it was provided to the Contractor.

## **CUSTOMER RESPONSABILITIES**

17. Client is responsible and liable for all uses of the Services and Documentation resulting from access provided by Client, directly or indirectly, whether such access or use is permitted by or in violation of this Agreement. Without limiting the generality of the foregoing, Client is responsible for all acts and omissions of Authorized Users, and any act or omission by an Authorized User that would constitute a breach of this Agreement if taken by Client will be deemed a breach of this Agreement by Client. Client shall use reasonable efforts to make all Authorized Users aware of this Agreement's provisions as applicable to such Authorized User's use of the Services, and shall cause Authorized Users to comply with such provisions.

## **OWNERSHIP OF INTELLECTUAL PROPERTY**

18. All intellectual property and related material (the "Intellectual Property") that is developed or produced under this Agreement, will be the property of the Contractor. The Client is granted a non-exclusive limited-use license of this Intellectual Property.
19. Title, copyright, intellectual property rights and distribution rights of the Intellectual Property remain exclusively with the Contractor.
20. Use Restrictions. Customer shall not use the Services for any purposes beyond the scope of the access granted in this Agreement. Customer shall not at any time, directly or indirectly, and shall not permit any Authorized Users to: (i) copy, modify, or create derivative works of the Services or Documentation, in whole or in part; (ii) rent, lease, lend, sell, license, sublicense, assign, distribute, publish, transfer, or otherwise make available the Services or Documentation; (iii) reverse engineer, disassemble, decompile, decode, adapt, or otherwise attempt to derive or gain access to any software component of the Services, in whole or in part; (iv) remove any proprietary notices from the Services or Documentation; or (v) use the Services or Documentation in any manner or for any purpose that infringes, misappropriates, or otherwise violates any intellectual property right or other right of any person, or that violates any applicable law.

## **RETURN OF PROPERTY**

21. Upon the expiration or termination of this Agreement, the Contractor will return to the Client any property, documentation, records, or Confidential Information which is the property of the Client.

## **CAPACITY/INDEPENDENT CONTRACTOR**

22. In providing the Services under this Agreement it is expressly agreed that the Contractor is acting as an independent contractor and not as an employee. The Contractor and the Client acknowledge that this Agreement does not create a partnership or joint venture between them, and is exclusively a contract for service. The Client is not required to pay, or make any contributions to, any social security, local, state or federal tax, unemployment compensation, workers' compensation, insurance premium, profit-sharing, pension or any other employee benefit for the Contractor during the Term. The Contractor is responsible for paying, and complying with reporting requirements for, all local, state and federal taxes related to payments made to the Contractor under this Agreement.

## RIGHT OF SUBSTITUTION

23. Except as otherwise provided in this Agreement, the Contractor may, at the Contractor's absolute discretion, engage a third party sub-contractor to perform some or all of the obligations of the Contractor under this Agreement and the Client will not hire or engage any third parties to assist with the provision of the Services.
24. In the event that the Contractor hires a sub-contractor:
- the Contractor will pay the sub-contractor for its services and the Compensation will remain payable by the Client to the Contractor.
  - for the purposes of the indemnification clause of this Agreement, the sub-contractor is an agent of the Contractor.

## AUTONOMY

25. Except as otherwise provided in this Agreement, the Contractor will have full control over working time, methods, and decision making in relation to provision of the Services in accordance with the Agreement. The Contractor will work autonomously and not at the direction of the Client. However, the Contractor will be responsive to the reasonable needs and concerns of the Client.

## EQUIPMENT

26. Except as otherwise provided in this Agreement, the Contractor will provide at the Contractor's own expense, any and all tools, machinery, equipment, raw materials, supplies, workwear and any other items or parts necessary to deliver the Services in accordance with the Agreement.

## NO EXCLUSIVITY

27. The Parties acknowledge that this Agreement is non-exclusive and that either Party will be free, during and after the Term, to engage or contract with third parties for the provision of services similar to the Services.

## NOTICE

28. All notices, requests, demands or other communications required or permitted by the terms of this Agreement will be given in writing and delivered to the Parties at the following addresses:

**a.** Town of Hideout

10860 N Hideout Trail, Heber City, UT 84032

**b.** Poly Platform

355 North Mill Road B-303, Vineyard, UT 84059

or to such other address as either Party may from time to time notify the other and will be deemed to be properly delivered (a) immediately upon being served personally, (b) two days after being deposited with the postal service if served by registered mail, or (c) the following day after being deposited with an overnight courier.

## INDEMNIFICATION

29. Except to the extent paid in settlement from any applicable insurance policies, and to the extent permitted by applicable law, each Party agrees to indemnify and hold harmless the other Party, and respective directors, shareholders, affiliates, officers, agents, employees, and permitted

successors and assigns against any and all claims, losses, damages, liabilities, penalties, punitive damages, expenses, reasonable legal fees and costs of any kind or amount whatsoever, which result from or arise out of any act or omission of the indemnifying party, its respective directors, shareholders, affiliates, officers, agents, employees, and permitted successors and assigns that occurs in connection with this Agreement. This indemnification will survive the termination of this Agreement.

## **MODIFICATION OF AGREEMENT**

30. Any amendment or modification of this Agreement or additional obligation assumed by either Party in connection with this Agreement will only be binding if evidenced in writing signed by each Party or an authorized representative of each Party.

## **TIME OF THE ESSENCE**

31. Time is of the essence in this Agreement. No extension or variation of this Agreement will operate as a waiver of this provision.

## **ASSIGNMENT**

32. The Contractor will not voluntarily, or by operation of law, assign or otherwise transfer its obligations under this Agreement without the prior written consent of the Client.

## **ENTIRE AGREEMENT**

33. It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement except as expressly provided in this Agreement.

## **ENUREMENT**

34. This Agreement will enure to the benefit of and be binding on the Parties and their respective heirs, executors, administrators and permitted successors and assigns.

## **TITLES/HEADINGS**

35. Headings are inserted for the convenience of the Parties only and are not to be considered when interpreting this Agreement.

## **GENDER**

36. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.

## **GOVERNING LAW**

37. This Agreement will be governed by and construed in accordance with the laws of the State of Utah.

## **SEVERABILITY**

38. In the event that any of the provisions of this Agreement are held to be invalid or unenforceable in whole or in part, all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of this Agreement.

## **WAIVER**

Page 121 e waiver by either Party of a breach, default, delay or omission of any of the provisions of this

Agreement by the other Party will not be construed as a waiver of any subsequent breach of the same or other provisions.

## FORCE MAJEURE

- 40.** In no event shall either Party be liable to the other Party, or be deemed to have breached this Agreement, for any failure or delay in performing its obligations under this Agreement [(except for any obligations to make payments)], if and to the extent such failure or delay is caused by any circumstances beyond such Party's reasonable control, including but not limited to acts of God, flood, fire, earthquake, explosion, war, terrorism, invasion, riot or other civil unrest, strikes, labor stoppages or slowdowns or other industrial disturbances, or passage of law or any action taken by a governmental or public authority, including imposing an embargo.
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**IN WITNESS WHEREOF** the Parties have duly affixed their signatures under hand and seal on this day of \_\_\_\_\_.

Town of Hideout  
Signature: \_\_\_\_\_  
Officer's Name: \_\_\_\_\_

Poly Platform  
Signature: \_\_\_\_\_  
Officer's Name: Kamel Greene

DocuSigned by:  
*Kamel Greene*  
00FE720404E74A9...