



HIDEOUT, UTAH TOWN COUNCIL MEETING AND PUBLIC HEARING

April 08, 2021

AMENDED 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, April 8, 2021.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin's April 6, 2021 No Anchor Site Determination Letter.

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

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

Regular Meeting and Public Hearing
6:00 PM

- I. Call to Order and Reading of Mayor Rubin's No Anchor Site Determination Letter
 1. Mayor Rubin's No Anchor Site Determination Letter
- II. Roll Call
- III. Approval of Council Minutes
 1. November 12, 2020 Meeting Minutes DRAFT
 2. February 11, 2021 Town Council Meeting Minutes DRAFT
- IV. Public Input - Floor open for any attendee to speak on items not listed on the agenda
- V. Public Hearing
 1. Hold a public hearing, discuss and possible action on the final subdivision plat application for the Deer Waters subdivision Phase 3
 2. Hold a public hearing, discuss and possible action on the final subdivision plat application for the Deer Waters subdivision Phase 4
- VI. Agenda Items
 1. Consideration to grant a 30-day extension for the Plumb Subdivision beyond the one-year timeline to record with Wasatch County
 2. Presentation from the Community Enhancement Committee regarding new town sign
 3. Discussion and consideration of approval of Ordinance 2021-XX regarding dark skies
 4. Discussion and consideration of approval of Ordinance 2021-XX amending the nuisance ordinance to account for changes to noxious weed control
 5. Discussion regarding nightly rentals
 6. Discussion and consideration of adopting Resolution 2021-XX amending the Fee and Rate Schedule to account for a sewer rate increase from JSSD
 7. Mask mandate update
- VII. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed
- VIII. Meeting Adjournment

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

HIDEOUT TOWN COUNCIL
10860 N. Hideout Trail
Hideout, UT 84036
Phone: 435-659-4739
Posted 4/7/2021

File Attachments for Item:

1. Mayor Rubin's No Anchor Site Determination Letter



April 6, 2021

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(4) and Hideout Town Ordinance 2020-03. The facts upon which this determination is based include: The percent and number of positive COVID-19 cases in Utah has been over 7.22% of those tested since April 1, 2021. The seven-day average of cases has been over 400 since April 6, 2021.

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

Interested parties may join by dialing in as follows:

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

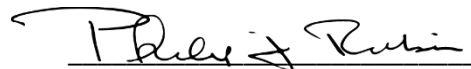
To join by telephone dial: US: +1 408-638-0986

Meeting ID: 4356594739

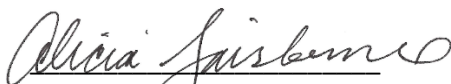
Additionally, comments may be emailed to hideoututah@hideoututah.gov. Emailed comments received prior to the scheduled meeting will be read during the public comment portion and entered into public record.

This determination will expire in 30 days on May 6, 2021.

BY:


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk



File Attachments for Item:

1. November 12, 2020 Meeting Minutes DRAFT

Minutes
Town of Hideout
Town Council Regular Meeting
November 12, 2020

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on November 12, 2020 at 6:00 pm electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

I. Call to Order and Reading of Mayor Rubin's No Anchor Site Determination Letter

1. Mayor Rubin's No Anchor Site Determination Letter

Mayor Rubin called the meeting to order at 6:03 pm and read the No Anchor Site Determination letter in its entirety. All attendees were present electronically.

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 Administrator Jan McCosh
 Town Planner Thomas Eddington
 Town Clerk Alicia Fairbourne

Others Present: Carolyn Davis, Dale Aychman, Mary Freeman, Brian Cooper, John Leone, Kurt Shadle, Jeff Foote and others who may not have signed in using full or proper names when logging in via Zoom.

III. Approval of Council Minutes

1. August 13, 2020 Meeting Minutes

There were no changes to the draft minutes of the August 13, 2020 meeting.

Motion: Council Member Dwinell moved to approve the August 13, 2020 minutes. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton and Nadelberg. Abstaining: Council Member Severini. None opposed. The motion passed.

2. October 8, 2020 Meeting Minutes

Several small clarifications to the October 8, 2020 draft minutes were discussed.

Motion: Council Member Nadelberg moved to approve the October 8, 2020 minutes with the changes discussed. Council Member Severini made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed.

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

Mayor Rubin reviewed instructions for the public input session and opened the floor for public comment.

Ms. Carolyn Davis and Mr. Dale Aychman, Shoreline Phase 1 homeowners, addressed the meeting. Mr. Aychman referenced a prior phone call with Mayor Rubin regarding the lack of attention by the Shoreline developer GCD regarding the status of building warranties and repairs still outstanding after nine months. He noted certain items were cosmetic in nature, but a number were more serious health and safety issues. He cited problems in his home regarding sewer backups and gas emissions. He wanted to bring the developer's lack of response in addressing these homeowner problems to Council's attention and requested they encourage the developer to remedy these issues before approval of any further development.

Mayor Rubin offered to reach out personally to GCD to discuss the sewer problems and noted the developer had completed some remediation work including roof repairs within the Shoreline Phase 1 development. He noted these items were between the homeowners and GCD but offered to speak with the developer to offer any assistance he could. Council Member Jerry Dwinell asked what legal recourse the Town might have to apply any pressure on the developer in support of these homeowners.

Town Attorney Polly McLean stated these issues were between the homeowners and the developer and the Town did not have any ability to step in beyond the courtesy contact the Mayor offered. Council Member Carol Haselton asked if the Town had responsibilities regarding the identified health and safety issues such as the sewer backups, improper ventilation, and slope erosion. Ms. McLean responded the homeowners had direct recourse with the developer on these matters but agreed to research whether the Town had any legal options. Council Member Haselton shared her concerns with the extent of the slope erosion as well as the lack of fencing around certain homes sitting on eroding cliffs. She recalled similar issues which had been resolved in the Rustler development. Mayor Rubin stated the Rustler Homeowners Association (HOA) had addressed those matters, but he would have the Town Engineer inspect the Shoreline issues.

Council Member Ralph Severini offered to share contact information on the geo-tech engineers who evaluated the issues within the Rustler development and noted there should be good remedies available to address the hill erosion issues.

Ms. Mary Freeman, Shoreline Phase 1 resident, stated in addition to the slope erosion matters already discussed, she was also concerned with the ongoing safety problems of large boulders falling onto roads and sidewalks. She went on to discuss the condition of a steep 12 to 15-foot drop-off in her yard which left only a two-foot walkable area in the yard. She stated she had shared these safety concerns with Glen Gabler of GCD and added she would not have bought the house had she known she would not be able to safely walk in the yard. Council Member Chris Baier commented on these steep cliffs with no fencing and asked if the Town Engineer would inspect them and offer

1 suggestions for improved safety. She recognized Shoreline Phase 1 had been approved under the
2 prior Town Council which limited the current administration's ability to take remedial actions.
3 Council Member Dwinell added the new town code revisions expanded fence requirements and
4 hoped there was a way to encourage the developer to meet the current code to address these health
5 and safety matters. Council Member Severini asked if the fences already installed on "Burlap
6 Mountain" were a retro fit, to which other Council members recalled they were.

7 Mr. Brian Cooper, a member of the Town's Infrastructure Committee and Shoreline Phase 1
8 resident, provided a status update on some of these issues. He reported the Infrastructure Committee
9 had reviewed the sewer plan and model with the Town Engineer and he noted his home, which was
10 located near the middle and at a relatively high elevation within the development, had experienced
11 three sewer backups into his lower-level bathtub. In the second case, he noted the plumber from
12 GCD said there was a soft blockage about one hundred feet away from the home and suggested
13 flushing more water through the pipes. He stated the Town Engineer's model indicated some of the
14 slopes were too steep to properly manage the sewage flow. He added the Town Engineer would be
15 bringing plans to the Council to address remediation, equipment needs and ongoing maintenance for
16 the entire Town-wide system.

17 Mr. Cooper also discussed the current design whereby the Soaring Hawk and Golden Eagle sewers
18 drained down to the Shoreline area which then pumped back up to the main line along SR 248. He
19 noted this was not an efficient or cost-effective design and discussed a plan under consideration by
20 the Town Engineer to connect Soaring Hawk and Golden Eagle directly to the JSSD main sewer
21 line.

22 Regarding the slope erosion and falling rock concerns, Mr. Cooper shared conversations he had with
23 the Town Engineer as well as the Wasatch County Engineer who shared specifics of the county and
24 state code regarding slope requirements for this type of unstable rock. He provided an overview of
25 potential remediation options under discussion and noted all would be somewhat expensive. Mr.
26 Cooper also noted the Wasatch County Engineer informed him the county could not cite the
27 developer for any of these problems as the Town of Hideout overrode the county in this matter. It
28 was noted the Town followed the same national building code standards as the county, and these
29 standards could possibly be cited as code violations when seeking remediation from the developer.

30 Council Member Baier requested the Deputy Town Clerk take minutes for the Infrastructure
31 Committee meetings. At Council Member Dwinell's suggestion, Council Member Haselton agreed
32 to join the Infrastructure Committee.

33 Mr. John Leone, Shoreline Drive resident, echoed the earlier comments regarding homeowner issues
34 with GCD and stated the construction of fences would not solve the problems with slope erosion.
35 He cited the ongoing erosion behind his home, which had reduced the distance of the drop-off
36 beyond his lower deck from four feet to approximately two-and-a-half feet. He noted his home was
37 located on a direct drop-off and he was concerned with safety as erosion continued. He asked if these
38 conditions met the Town, County, and State safety codes.

39 Mr. Leone went on to discuss the improper installation of his water heater which did not provide for
40 proper exhaust and ventilation. He stated this was in violation of the manufacturer's installation
41 requirements which he suggested might have been a violation of Town Building Code. He noted
42 concerns with the heater's sound, smell, and exhaust pipe's distance from a window, which also did
43 not meet the manufacturers installation recommendations. Mr. Leone stated he had also experienced
44 sewer backups and ongoing related smells in addition to roof issues with standing seams and snow
45 drops.

Mr. Kurt Shadle, Hideout resident, suggested the Council take a less legalistic stance and consider scheduling a public session for the developer to hear from homeowners on their problems and to use any leverage possible to hold GCD accountable for addressing existing homeowner issues before proceeding with additional development in Hideout.

Mr. Jeff Foote, Shoreline Phase 1 resident, reported a total lack of response from GCD on several outstanding issues over the past 18 months. He noted a significant presence of gas odor, which led him to contact the gas company to investigate. Mr. Foote recognized these are issues between the homeowners and GCD, and he noted his concerns that GCD, a very large ongoing developer in the Town, seemed to have no quality control function and should be held accountable.

Council Member Dwinell agreed with the homeowner concerns discussed and stated it was important to let GCD know this level of unsatisfied homebuyers could have a negative impact on GCD's ability to successfully market its future developments. He requested inviting GCD to attend a future Council meeting to address these concerns.

Mr. Cooper provided additional comments in response to Mr. Leone's concerns with the water heater installation. Mr. Cooper stated he had researched the plumbing code and specific manufacturer's instructions for the water heaters. He reported the water heaters for all 50 homes in Shoreline Phase 1 were not installed according to those manufacturer installation specifications. He forwarded this information to GCD and was awaiting a response. He suggested it would be worthwhile to focus a meeting with GCD and the Council on these health and safety issues. Mr. Leone discussed potential solutions for the water heater problems which he stated were not onerous. Mayor Rubin stated he would be in contact with GCD to share this feedback and state the Town was not comfortable issuing new permits until these existing safety issues were addressed. Council Member Dwinell suggested increasing inspections as well.

There being no further public comments, Mayor Rubin closed the public input session.

V. Public Hearing Items:

1. Continuation of adoption of a Resolution adjusting and amending the revenues and expenditures of the 2020/2021 Fiscal Year budget

Mayor Rubin noted the budget amendment was not ready for discussion, and recommended this item be continued to the December 10, 2020 meeting. He stated there were no issues with the budget; the Town was in good financial shape, but this amendment was required and could be discussed next month.

Ms. McLean asked to open the public hearing on the budget item in case there were any attendees who wished to comment.

Mr. Leone questioned if the budget could be viewed and commented on at a later time. Mayor Rubin stated the budget amendment would be made public once the adjustments were complete and the public would have an opportunity to comment on it. He also noted the current budget was posted on the Town website.

There being no further public comment, Mayor Rubin asked for a motion to continue this item to the December 10, 2020 Town Council meeting.

Motion: Council Member Dwinell made the motion to continue the adoption of a Resolution adjusting and amending the revenues and expenditures of the 2020/2021 Fiscal Year budget to the December 10, 2020 meeting. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed.

2. Approval of Ordinance 2020-11 providing technical corrections to the following provisions of the Town Code relating to land use: Title 3; Title 10; Title 11; and Title 12 as it is related to Ordinance 2020-06 and to remove an internal inconsistency regarding hours of operation in Title 10

Mayor Rubin provided an overview of this item and thanked Council Member Dwinell for his leadership working on it. He noted there were no major issues with what was previously approved, but due to clerical errors an earlier version of the exhibits was attached to the Ordinance that did not reflect the changes the Town Council discussed and intended to approve. He also noted the Ordinance did not reflect the updated construction hours as previously approved. Ms. McLean noted the Titles which were incorrect had inconsistencies in citing to the wrong sections of the Code and also referred to the wrong zone. She stated this requested approval was meant to ratify what was already intended in the prior approvals. Mayor Rubin stated Municode and the Town website would be updated to correctly reflect these items.

Mayor Rubin opened the floor to public input on this matter. There were no comments from the public.

Mayor Rubin asked Council for a motion to approve Ordinance 2020-11.

Motion: Council Member Severini made the motion to approve Ordinance 2020-11, providing for technical corrections to the following provisions of the Town Code relating to land use: Title 3, Title 10, Title 11, and Title 12. Council Member Dwinell made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed.

VI. Agenda Items

1. Approval of bills to be paid

Town Administrator Jan McCosh stated most of the larger bills were due to the annexation and impact fees. She noted most of the large expenses had been passed through and were billed. Mayor Rubin asked if the bill from T-O Engineers was for one month. Ms. McCosh responded it was for one month (October) and a portion was passed through. It was noted the GIS (Geographic Information System) component would be re-coded to the enterprise fund as well as all water and sewer line mapping costs.

Mayor Rubin asked about the York Howell & Guyman bill. Ms. McCosh responded it was for multiple months due to a back log in the firm's billing.

Mayor Rubin asked for any questions from Council on the bills. There were no questions.

Mayor Rubin asked for a motion to approve the bills to be paid.

Motion: Council Member Nadelberg made the motion to approve the bills to be paid. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed.

2. Authorization of Mayor to enter into a MOU (Memorandum of Understanding) with Wasatch County Sheriff's Department for increased police services in Hideout

Mayor Rubin discussed this item regarding contracting for additional police support which was budgeted for but had previously been deferred. He stated the Town budget was in a good position to add 16 hours per week for additional coverage in the area. He noted the primary drivers for this increase included traffic control, parking enforcement – especially related to construction activity, having a visible presence in the Town, and providing assistance to improve home security throughout the Town. He also stated this had been under discussion for more than a year, was in the budget, and he believed it was the right thing to do; particularly with the increased population growth and speeding in Town.

Council Member Dwinell asked if this would be done on a trial basis. Mayor Rubin stated his preference to implement it directly without a trial period and noted the MOU would have an exit clause favorable to the Town. In response to a question from Council Member Severini, Mayor Rubin responded the patrols would rotate over four-hour shifts in addition to the existing 911 response calls. Mayor Rubin noted this increased police presence would be highlighted in the Town's newsletter.

Council Member Dwinell noted the Town would not receive revenue from traffic citations. Council Member Haselton asked about existing sheriff's coverage in the Wasatch County budget and what such arrangements were for surrounding Towns. Mayor Rubin noted the current Wasatch County budget provided for minimal community patrol coverage and stated Towns could contract for additional service. He noted Midway contracted for one-and-a-half full-time officers.

Mayor Rubin did not have more details on the Wasatch County Sheriff budget. In response to a question from Council Member Baier regarding the cost, Mayor Rubin stated it would be \$70,000 per year which included 16 hours per week of additional patrols, car, fuel, and license bureau access expenses. He also noted the cost would be split between two fiscal years. Council Member Severini asked if the Sheriff would monitor the Town's traffic cameras. Mayor Rubin confirmed they would have such access but would not constantly monitor them. Council Member Dwinell pointed out this coverage would be beneficial in the response time for 911 emergency calls. Mayor Rubin noted the details of the MOU were still being negotiated with the Sheriff's Department.

Council Member Baier asked if this would require a budget increase next year. Mayor Rubin responded it would need to be included in the next year's budget but would not necessarily lead to an increase. He noted the MOU did not set forth future rate increases.

Mayor Rubin asked for a motion to enter into a Memorandum of Understanding with Wasatch County Sheriff's Department for increased police services in Hideout.

Motion: Council Member Dwinell made the motion to authorize the Mayor to enter into a Memorandum of Understanding with Wasatch County Sheriff's Department for increased police services in Hideout. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed.

3. Discussion of Municipal Impact Fee uses

Mayor Rubin asked Ms. McLean to provide an overview regarding how municipal impact fees could be used. Ms. McLean reported she had spoken with the previous Town Attorney, Dan Dansie, regarding any prior discussions on this topic, and suggested Ms. McCosh discuss available revenue sources in more detail at the next Council meeting. Ms. McLean discussed the use of Impact Fees which she noted were highly regulated under Utah State Code. She explained a new development could be assessed impact fees on its proportional incremental share of certain costs for amenities such as public parks but could not be assessed for ongoing maintenance expenses. She stated impact fees had limitations and were not a revenue source per se. They could be used for certain one-time capital expenditures but with ongoing maintenance to come from general revenues.

Council Member Severini asked if there was a time frame to spend funds collected from impact fees. Ms. McLean responded there was a timeline that was tied in with the Town's capital accounts, which could be adjusted.

4. Update on Mustang, LLC issues in preparation for quarterly meeting

Mayor Rubin discussed several items he intended to discuss with the developer, Mustang, LLC (Mustang), which included the pond and delinquent payments for services owed to the Town. He had discussed with the Town Attorney what legal recourse was available to the Town if Mustang did not make payment on its delinquent bills.

Council Member Baier suggested adding a discussion of the maintenance area to this agenda and volunteered to participate in the meeting along with Council Member Dwinell. Mayor Rubin stated Mustang was currently delinquent on some pass-through engineering charges, water costs and certain fines owed to the Town. In response to a question from Council Member Dwinell regarding whether Mustang had been fined for the issues related to the pond, Mayor Rubin stated a letter had been delivered informing them of the daily accumulation of fines, but a citation had not yet been issued. He stated the Town would pursue these items on the county record if not resolved.

Council Member Baier questioned whether Mustang was in breach of the Master Development Agreement given the delinquent status of these items. Council Member Severini asked if liens could be levied on any transfer fees or the property itself if Mustang continued to refuse to make these payments. Ms. McLean agreed to investigate these questions.

Ms. McLean suggested to ask Mustang, prior to the meeting, why they were delinquent. Council Member Dwinell suggested immediately exercising the fines on the pond as this had been an outstanding problem for some time.

5. Update on Referendum; discussion and consideration of adopting a resolution for a special election

Ms. McLean provided an overview on the status of the upcoming Referendum and adoption of a resolution associated with the election. She reported the application was received in a timely manner and the fiscal impact statement was issued a few days ago. She made a determination that the law was able to be referred (i.e., able to be included in a referendum) and that it was a land use law. Based on the number of eligible voters in Hideout and because it was a land use law, signatures of 40% of registered voters must be collected. The Town Clerk prepared a Proposition Information Pamphlet which was distributed to the sponsors as well as anyone who submitted an argument for the proposition, which would be distributed to the public within ten days of approval and setting the

date for the election. The intent was to include the date of the election in the Proposition Information Pamphlet. Once the signature packets were distributed to the sponsors, they would have 45 days to collect the required number of signatures. She noted these requirements were very specific and must be submitted to the County Clerk following an exact process. If the signatures were collected and determined to be sufficient, an election may be held on one of three possible dates. These dates could be: 1) a Special Election on the 4th Tuesday of June (June 22, 2021), 2) on Primary Election Day (August 10, 2021), or 3) on Municipal General Election Day (November 2, 2021). The estimated cost to hold a Special Election was \$3,000 which would likely fall under the Indemnity Agreement. Council was being asked to approve the date for the election assuming the required number of signatures were properly obtained.

Council Member Severini requested clarification of the exact number of registered voters and whether this number was as of a certain date, as well as the process to certify the signatures. Ms. McLean responded signatures may be obtained from active registered voters who resided in the Town at the time the signature was gathered, so long as their voter registration was submitted prior to gathering their signature.

Discussion ensued regarding options for the date of the election. Mayor Rubin suggested a vote sooner would be beneficial to determine whether the annexation would proceed. Council Member Severini asked how the date would influence voter turnout. Mayor Rubin noted the election could be by-mail which should help with voter turnout. Town Clerk Alicia Fairbourne discussed the by-mail election process. Council Member Dwinell agreed a by-mail election should help to maximize voter turnout for the June Special Election date. Council Member Baier noted at least three races would be on the ballot in the Municipal 2021 election, perhaps with a Primary in August, and stated her preference would be to conduct the referendum election sooner and separate from the Mayoral and Council races.

After further discussion on the three date options, Mayor Rubin asked for a motion to adopt a Resolution establishing a Special Election to be held on June 22, 2021 to consider a possible referendum challenging the adoption of Ordinance 2020-10.

Motion: Council Member Nadelberg made the motion to adopt the Resolution Establishing a Special Election on June 22, 2021 to Consider a Possible Referendum Challenging the Adoption of Ordinance 2020-10. Council Member Severini made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The 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, at 8:40 pm Mayor Rubin asked for a motion to close the public portion of the meeting in order to move to executive session.

Motion: Council Member Dwinell made the motion to move to closed executive session. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed.

Whereupon the closed executive session convened at 8:45pm.

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 9:10 pm, Council moved into public session.

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

The meeting adjourned at 9:10 pm.

Alicia Fairbourne, Town Clerk

File Attachments for Item:

2. February 11, 2021 Town Council Meeting Minutes DRAFT

Minutes
Town of Hideout
Town Council Regular Meeting
February 11, 2021

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on February 11, 2021 at 6:00 pm electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

I. Call to Order and reading of Mayor Rubin's No Anchor Site Determination Letter

1. Mayor Rubin's No Anchor Site Determination Letter

Mayor Rubin called the meeting to order at 6:01 pm and read the No Anchor Site Determination Letter in its entirety.

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 Administrator Jan McCosh
 Town Engineers Ryan Taylor, Dillon Bliler
 Public Works Director Kent Cuillard
 Town Planner Thomas Eddington
 Town Clerk Alicia Fairbourne
 Deputy Town Clerk Kathleen Hopkins
 Town Treasurer Wes Bingham

Others Present: Heather Kruse, Mary Freeman, Ashley Burr, and others who may not have used their full or proper name when logging in electronically via Zoom.

Due to time constraints, Mayor Rubin modified the order of the agenda from its original publishing, putting the agenda items before the Public Input and Approval of Meeting Minutes sections.

III. Agenda Items

1. MIDA Update

Mayor Rubin introduced Heather Kruse, Project Manager for MIDA (Military Installation Development Authority) MRF (Military Recreation Facility Project Area) for Wasatch County.

Ms. Kruse provided an update of projects underway, including:

- Completion of Jordanelle Parkway, which was opened to the public on December 15, 2020, and won an award of excellence from the Associated General Contractors of Utah for Highway/Transportation/Utility Infrastructure Division Projects for Rural Projects of \$15 plus million.
- UDOT (Utah Department of Transportation) Portal Project, which was on hold but scheduled to resume in March, 2021 with completion of the north and south portals within the year.
- Proposed realignment of the frontage road on the west, which would connect the north portal.
- Three additional property owners – Marina West, Sidewinder Enterprises 1, 2 and 3, and Extell joined the project area. It was noted these parcels were already within the existing project area boundary.
- Involvement in the initiative between the State Parks and Wasatch County to update the beach area by the Ross Creek Trailhead, and finishing the perimeter trail work in order to connect all of the trails within the region.
- Involvement in initiatives including working with the FSS (Force Support Squadron) Group from Hill Air Force Base, Veterans Administration, and the National Ability Center to create programming for military veterans and active military families.
- Involvement in creating transit solutions within the project area to create connections between Summit and Wasatch Counties, and a possible connection to the Salt Lake International Airport.
- Transit connections which would be easy to access and environmentally sustainable.

Council Member Chris Baier asked what source the funding came from for the beach area. Ms. Kruse explained a Senate appropriation grant would be applied for in order to obtain funding. Improvements to the beach area were discussed, including lengthening the existing boat ramp and clearing the rocky area in order to allow access for non-motorized watercraft. Discussion ensued regarding existing and future trails, improvements to the beach area, the possibility of requiring park rangers, additional infrastructure, and various zoning opportunities within the project area.

Mayor Rubin thanked Ms. Kruse and her colleague Ashley Burr, who was also in attendance, for providing the information and answering Council's questions.

2. Parking Permit Update

Mayor Rubin reviewed the parking project which was discussed in a previous Council Meeting. A potential on-street parking ordinance was discussed and was determined it would not be feasible for residents. Town Planner Thomas Eddington and Town Engineer Ryan Taylor reviewed the plan and presented an updated design of allowing specific side of the road address range parking, and issuing day-use permits for construction workers. The permits could be applied for and issued online, and valid for a specific period of time.

Council Member Jerry Dwinell voiced his concern with allowing parking opposite of driveways, as this would impede entering or exiting the driveway on the already narrow roads. He also brought up concerns with parking on construction sites, and stated vehicles should park past the edge of the asphalt to get them as far off the road as possible.

A question was raised regarding communicating and educating residents and construction workers on designated parking areas, to which Mayor Rubin brought up the idea of painting curbs and posting signs where parking was or was not permitted. It was noted the Sheriff's Office would not be necessary to issue citations, or revoke or deny a permit. However, for residents who might abuse the parking enforcements, the Sheriff would need to be involved if a vehicle was towed.

Council Member Ralph Severini inquired if the compliance standards could be split between residents and contractors in order to create more cohesive guidelines, to which Council agreed. Mayor Rubin stated it would be reviewed in further detail and brought forth at a future Council Meeting.

3. Shoreline Update

Due to time constraints, Mayor Rubin moved the Shoreline Update to the next topic of discussion.

Town Engineer Ryan Taylor provided an update regarding several issues of concern with the development of Shoreline Phase 1, including:

- Working with homeowners regarding several issues and concerns with building code compliance.
- Working with the developer regarding the retaining wall and concerns of homeowners on sewer backups, to which the developer ran a camera through all 50 (fifty) lateral sewer lines to identify obstructions or encounters.
- Fencing was erected at the top of the slopes in order to prevent a potential fall from residents. Council Member Carol Haselton suggested the installation of fencing on the middle level of the slopes, and Mayor Rubin suggested fencing be installed on the parcels which overlook Silver Sky.
- The bedrock cut slopes' stability was addressed, to which the developer submitted a report which referred to the falling bedrock. The report specifically stated seasonal raveling would occur, particularly during freeze-thaw periods and during heavy precipitation.

Regarding the cut slopes' stability, T-O Engineers' Geo Technical Engineer provided a report addressing the slopes and provided several possible solutions from a safety standpoint, which included:

- Allowing the cut slopes but pushed back between six and ten feet from the roadway with a ditch at the bottom to collect the falling rocks. These rocks would be cleaned out and hauled away every five to ten years depending on need.

- 1 • Other barriers could be constructed, such as a short retaining wall or K Rail, et cetera,
2 which would catch the falling rock.
- 3 • Erosion control at the top of the slope versus sediment control at the bottom.
- 4 • Netting over the top of the rocks, which would take the momentum out of the rocks and
5 prevent them from rolling onto the road or sidewalk.
- 6 • Covering the slopes with shotcrete versus leaving them exposed.
- 7 • Terracing the slope in order to provide separation from the street.

8 Mr. Taylor stated these solutions were presented to the developer to which he was awaiting a
9 response.

10 Mayor Rubin inquired about the progress of the home inspections, to which Mr. Taylor replied
11 resident Brian Cooper was coordinating schedules with other residents in order for building
12 inspectors to re-inspect the homes for compliance concerns.

13 The cost, maintenance and prevention were further discussed. It was noted the Town's Zoning
14 Ordinance was changed and slopes and walls of this height would no longer be allowed.
15 Furthermore, plans submitted would be required to be more detailed than with the past
16 submissions.

17 There being no further questions from Council, Mayor Rubin and Council thanked Mr. Taylor
18 for his work and excused him from the meeting.

19 **4. Review of Financials for Period Ended 12/31/2020**

20 Mayor Rubin presented the Financial Report for the period ending on December 31, 2020 and
21 invited Town Treasurer Wes Bingham to review the report.

22 Mr. Bingham noted the Town's sales tax and building permits were strong, considering it was
23 only six months into the fiscal year. The Class C Road Fund allotment had a zero-dollar report
24 due to Mr. Bingham segregating the fund and moving it to its own fund in order to start an
25 account for cash and a balance sheet for Class C-specific projects.

26 Mr. Bingham continued to review line items of the budget. He noted highs and lows of projected
27 expenditures and revenue.

28 Seeing that the expenditures for legal services was exceeding the projected budget, Council
29 Member Dwinell inquired if some of those legal costs were able to be passed through to the
30 developer for costs associated with the Silver Meadows Annexation. Mr. Bingham explained the
31 portion for legal services pertaining to the annexation were segregated into a separate account.
32 Mayor Rubin noted a lot of the legal fees were to address the Impact Fee Ordinance, which was
33 adopted by the Town in September, 2020.

34 Mr. Bingham explained some of the funds received from the COVID grant were not recognized
35 in the previous fiscal year. Therefore, a payment of those funds was accounted for during the
36 2020-2021 fiscal year, thus making the grant revenues slightly higher.

Mr. Bingham continued to review the budget and noted there were no accounts that had exceeded budget in the Enterprise Fund.

The Culinary Water Impact Fees and sewer and storm water funds were collected, to which Mayor Rubin noted these funds were not available to the Town and the document presented was for tracking purposes only.

There being no questions from Council, Mayor Rubin and Council thanked Mr. Bingham for a thorough report and excused him from the meeting.

5. Town Priorities Feedback

Mayor Rubin presented the list of priorities ranked by Council submission and explained how the ranking scores were calculated. The purpose for this meeting's review was to assign tasks to each of the committees and prioritize the tasks. Members of the Council volunteered to sit on various committees, including:

- Council Member Chris Baier on the Community Enhancement Committee and a secondary to the Public Safety Committee, specifically to replace the Town's emergency alert system
- Council Member Carol Haselton on the Community Engagement Committee
- Council Member Ralph Severini on the Budget Committee, and as a secondary to Planning
- Council Member Jerry Dwinell on the Community Enhancement Committee
- Council Member Bob Nadelberg as a possible secondary on the POST (Parks, Open Space and Trails) Committee
- Town Planner Thomas Eddington on the Community Enhancement Committee

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

There being no further agenda items, at 7:39 pm Mayor Rubin opened the floor to public input. There were no comments from the public.

V. Approval of Council Minutes

- 1. September 8, 2020 Town Council Meeting Minutes DRAFT**
- 2. September 10, 2020 Town Council Meeting Minutes DRAFT**
- 3. October 6, 2020 Town Council Meeting Minutes DRAFT**
- 4. January 14, 2021 Town Council Meeting Minutes DRAFT**

There was one correction made to the October 6, 2020 minutes.

Motion: Council Member Dwinell made a motion to approve all sets of minutes with one correction made to the October 6, 2020 minutes. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. Motion passed.

Council Member Severini inquired about several items mentioned in the minutes which included the check promised from Mustang Development for remittance of the outstanding water fees, the meeting with Mustang Development's legal counsel regarding further outstanding fees and had wondered about any possible issues that had been resolved because of the meetings. Town Attorney Polly McLean stated a meeting had been scheduled with Mustang Development, however it was rescheduled by Mustang and then disregarded. Ms. McLean had been instructed to pursue legal action to collect on the outstanding dues to the extent the Town was legally able to. Ms. McLean noted Mustang was not contesting certain fees but had not remitted payment for those fees which were due over a year ago.

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, at 7:53 pm Mayor Rubin asked for a motion to close the public portion of the meeting in order to hold an Executive Session.

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

After a short recess, the closed Executive Session convened at 8:04 pm.

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

Excused: Council Member Bob Nadelberg

Staff Present: Town Attorney Polly McLean
Summit County Litigation Attorney Rob Mansfield (Excused at 8:20 pm)
Town Planner Thomas Eddington (Admitted at 8:20 pm)

VII. Meeting Adjournment

At 8:58 pm, Mayor Rubin asked for a motion to move into public session and adjourn the meeting.

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

The meeting adjourned at 8:59 pm.

Alicia Fairbourne, Town Clerk

DRAFT

File Attachments for Item:

1. Hold a public hearing, discuss and possible action on the final subdivision plat application for the Deer Waters subdivision Phase 3



Staff Review of Subdivision Plans Submittal

To: Town Council
Town of Hideout

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

Re: Deer Waters – Phases 3 & 4 Plan Review

Date: March 30, 2021

Submittals: The Applicant submitted the following plans:

- Phase 3 - Construction Plans dated/stamped March 3, 2021
 - Phase 4 - Construction Plans dated/stamped March 3, 2021
-

I have completed an initial review of the Deer Waters Phases 3 & 4 Final Subdivision plans and offer the following Conditions of Approval:

Phases 3 & 4

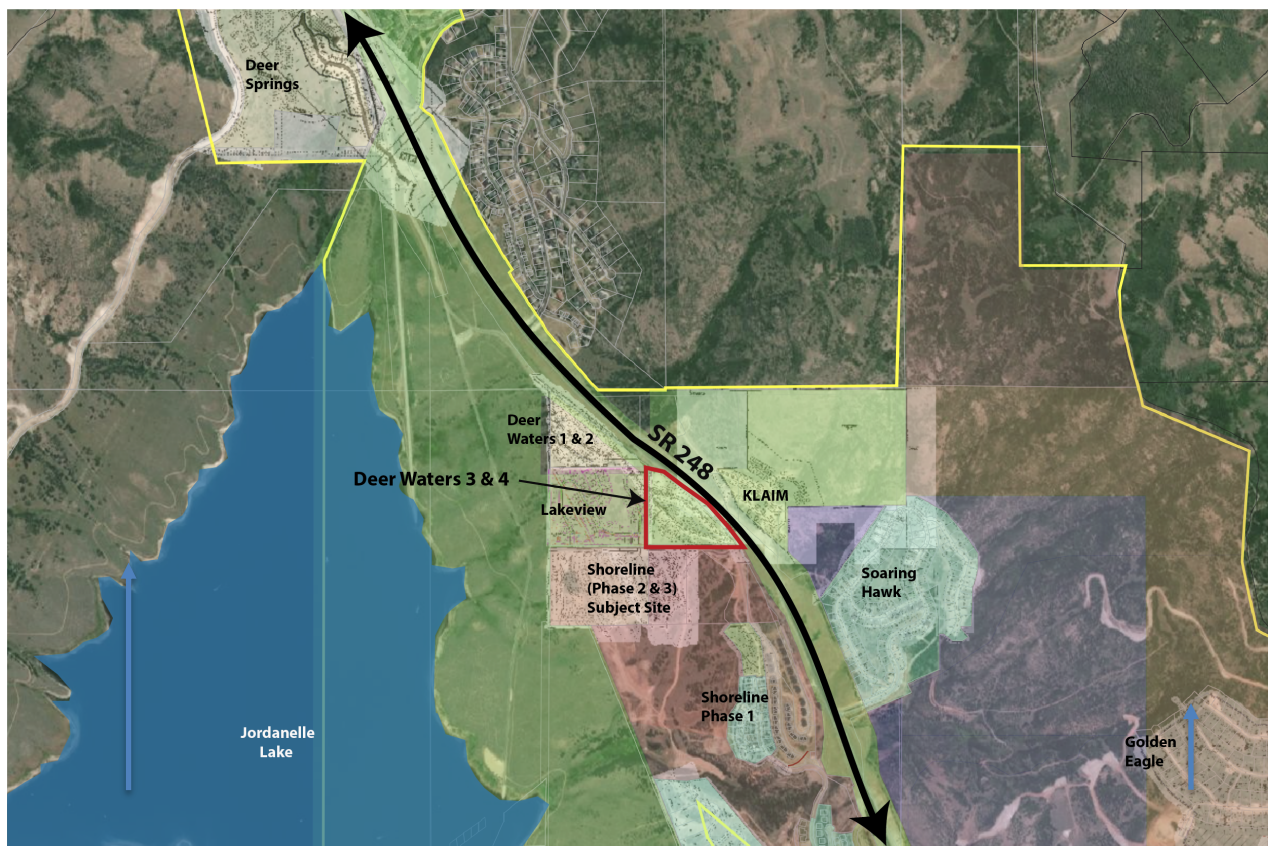
1. Sheet G1.3 of construction plan set should be corrected to indicate a Phase 3 that includes 22 units and a Phase 4 that includes 22 units. The current submittal does not include a Phase 4 count. The total/maximum number of units for all Deer Waters development (Phases 1 – 4) is 102 units.
2. All streets are indicated at 26'-0" wide; a paved bike lane shall be incorporated into all new streets per Town code.
3. Sheets G1.10 and G1.11 of the construction plan set should be updated to include retaining wall locations and sizes (including top of wall/TW and bottom of wall/BW elevation points).
 - Per the Town's zoning ordinance:
 - No retaining wall shall be greater than six feet (6'-0") tall and no more than two retaining walls may be terraced. If two (2) retaining walls are terraced, each wall shall have a maximum height of five feet (5'-0") and a minimum of five feet (5'-0") horizontal distance between each wall, with this horizontal space planted with native vegetation (or other materials as



approved by the Town Planner). A third terraced wall is not permitted on the same parcel and shall not be located closer than 25' to any other wall (or set of two terraced walls), measured horizontally on a topographic survey (plan view).

- The Applicant shall adhere to the Town's code and provide a detailed retaining that must be approved by the Town Planner.
- A structural analysis of these walls must be provided once a final retaining wall plan is accepted by the Town Planner and Town Engineer.
- A section of a typical tiered wall must be provided including materials, planting in the horizontal breaks, etc.

Location of the Proposed Subdivision



4. Park/Playground: The Applicant must define when the construction of the park will be completed. Staff recommends the park shall be completed prior to the Applicant obtaining the final twelve (12) building permits for Phase 4 construction.



- a. The proposed amenities and detailed site design for the park have not been provided and shall be included in the construction plan set. Final design must be approved by the Planning Commission. At minimum, this park shall include:
 - i. Two (2) sports courts; pickleball courts with a small fence surrounding (ranging from 3'-0" to 6'-0" high)
 - ii. A playground w/play equipment for kids
 - iii. Seating and picnic areas (at least three separate locations)
 - iv. Landscaping including shade trees that connect to the trail landscaping
 - v. Two (2) bike racks
 - vi. Four (4) benches around the pickleball courts (in addition to the other benches illustrated on the plan set)
 - vii. While no trash cans are proposed for the site, two (2) signs reminding users to remove any trash they bring in.
 - viii. Dripline irrigation for the trees and shrubs
 - ix. No fencing is proposed or approved. No chain link fencing is permitted in or around the park.
5. Trails: Proposed trails (and surface type) to be completed as part of Phases 3 & 4 shall be included on the construction plan set and noted on the proposed subdivision with an easement to allow public use for pedestrians and bikes.
6. Streetscape amenities; lighting, signage, etc. should be provided – construction details, sign type (if proposed), and materials/colors.
7. A Landscape Plan shall be provided for all of Phases 3 and 4 prior to commencement of any construction (and prior to issuance of any Building Permits) on Phase 4. This plan shall include street trees, common area and yard landscaping, entry features, and slope stabilization plantings where necessary – slopes greater than 50%. This plan must be approved by the Town Planner.

In addition to these Conditions of Approval, the Town Engineer recommends inclusion of the following:

1. All retaining walls shown on the proposed plans greater than four (4) feet in height will need to be designed, submitted to the town, reviewed and approved prior to construction.
2. A subdivision construction permit, improvement agreement, and all fees and bonds, will be required prior to any construction.
3. A final plat (mylar) is subject to review may require additional notes and corrections.



4. Recording of the subdivision will require a performance bond in accordance with the current Town Code, or formal acceptance of all improvements prior to recordation.

File Attachments for Item:

2. Hold a public hearing, discuss and possible action on the final subdivision plat application for the Deer Waters subdivision Phase 4

ORDINANCE 2021-02

AN ORDINANCE APPROVING THE DEER WATERS PHASES 3 & 4 SUBDIVISION, LOCATED IN HIDEOUT, UTAH

WHEREAS, owners of the property known as Deer Waters Subdivision, located in Hideout, Utah, have petitioned the Town Council for approval of final subdivision plats; and

WHEREAS, legal notice of the public hearing was published in the Park Record on March 6, 2021 and on the Utah Public Notice website on March 8, 2021 according to the requirements of the Hideout Municipal Code; and

WHEREAS, the Planning Commission held a public hearing on March 18, 2021 to receive input on the proposed subdivision plat; and

WHEREAS, the Planning Commission, on March 18th conducted a public hearing and forwarded a positive recommendation to the Town Council; and

WHEREAS, on April 8, 2021, Town Council held a public hearing on the subdivision plats; and

WHEREAS, it is in the best interest of Hideout, Utah to approve the Deer Waters Phase 3 & Deer Waters Phase 4 Subdivision plat in that these subdivision plats are intended to comply with the Hideout Municipal Code and the Technical Reports prepared by the Town Staff as well as all other recorded agreements.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The subdivision plats as shown in Exhibits A and B are approved subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The Phase 3 subdivision plat was previously approved by the Planning Commission and Town Council but expired prior to plat recordation. The currently proposed Phases 3 & 4 are the same land area and unit mix as the originally approved Phase 3 but broken down with an additional phase.
2. The property is located within the Town of Hideout along Shoreline Drive.
3. For Phase 3, the total plat area is approximately 5.18 acres and includes 22 lots.
4. For Phase 4, the total plat area is approximately 5.77 acres and includes 22 lots.
5. Zoning for the property is primarily Mountain Residential (MR).
6. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on September 18, 2017. The originally approved density was 54 units; the Town and the developer informally negotiated a reduction of ten (10) units in October 2020. The proposed subdivision plats reflect this reduction and the total permitted density is 44 lots (units).
7. A park is proposed on the southwest corner of Phase 4.
8. All existing and required easements will be shown on the plat prior to recordation, including

- utilities, storm drainage, access, trails, snow storage, etc.
- 9. No changes are proposed to existing road alignment or uses associated with this plat.
- 10. The final plats are required to be approved and signed by the Jordanelle Special Services District prior to recordation to ensure that requirements of the District are addressed.
- 11. Snow storage areas have been delineated on the plats.
- 12. Each Phase will have a separate final subdivision plat associated with it.

Conclusions of Law

1. The subdivision plats, as conditioned, comply with Hideout Municipal Code, Title 12 and the 2017 Master Development Agreement.
2. The subdivision plats, as conditioned, are consistent with the applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat as conditioned.
4. Approval of the subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Hideout.
5. If the Applicant requests an extension for the subdivision plats, the Hideout Municipal Code requires that these submittals "satisfy[ies] any new Town requirements pertaining to the public health, safety and welfare"

Conditions of Approval

1. The Town Attorney and Town Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Hideout Municipal Code, the Master Development Agreement and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Wasatch County within six (6) months from the date of Town Council approval. If recordation has not occurred within six (6) months' time, this approval for the plat will be void unless a written request for an extension is submitted to the Town prior to the expiration date and the Town Council grants an extension.
3. Non-exclusive public utility easements shall be indicated on the plats prior to recordation as approved by the Town Engineer and JSSD and consistent with the utility plan, including drainage easements. All existing and required easements, based on review by the Town Engineer and JSSD will be shown and recorded on the plat, including utilities, storm drainage, access (public, utility and emergency), snow storage, trails and trailhead parking, etc. All existing recorded easements and agreements shall be referenced on the plats, including entry number, book and page.
4. A financial guarantee, in a form and amount acceptable to the Town and in conformance with these conditions of approvals, for the value of any required public improvements, such as water, sewer, landscaping, fire hydrants, etc. shall be provided to the Town prior to building permit issuance for new construction. All public improvements shall be completed according to Town standards prior to release of this guarantee. An additional ten (10) percent of the public improvement value shall be held by the Town for the warranty period and until such improvements are accepted by the Town.
5. All approved public trails, consistent with the Master Development Agreement and the Parks Open Space & Trails (POST) Plan, shall be shown on the plats.
6. The recorded plat shall include, but is not limited to, the following plat notes:
 - a. These plats are subject to the conditions of approval in Ordinance 2021-02.
 - b. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots and not within public right of way.

- c. A fire protection and emergency access plan shall be submitted and approved by the Wasatch County Fire District prior to the issuance of any building permits.
 - d. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
 - e. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
 - f. Existing public trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements and are subject to reasonable relocation by the Owner subject to Town Planner approval.
7. All streets are indicated at 26'-0" wide (23'-0" of asphalt plus curb and gutter). The Applicant agreed to meet the current Town Code requirements (26'-0" of asphalt plus curb and gutter); and a paved bike lane shall be incorporated into all new streets per Town code.
 8. The Applicant has proposed offstreet visitor parking at four (4) locations throughout the development area. These four (4) areas contain thirteen (13) parking spaces as per the plan set. The Applicant will incorporate between four and six additional parking spaces along Road D per Town Planner review.
 9. Sheets G1.10 and G1.11 of the construction plan set should be updated to include retaining wall locations and sizes (including top of wall/TW and bottom of wall/BW elevation points).
 - a. The Applicant shall adhere to the Town's code and provide a detailed retaining wall plan set that must be approved by the Town Planner and Town Engineer.
 - b. A structural analysis of these walls must be provided once a final retaining wall plan is accepted by the Town Planner and Town Engineer.
 - c. A section of a typical tiered wall must be provided including materials, planting in the horizontal breaks, etc.
 10. Park/Playground: The park must be completed by November 30, 2021.
 - a. The proposed amenities and detailed site design for the park have not been provided and shall be included in the construction plan set. The final design must be approved by the Planning Commission. At minimum, this park shall include:
 - i. Two (2) sports courts; pickleball courts with a small fence (black vinyl coated chain link fencing may be approved by the Town Planner) surrounding the courts (at a height in accordance with the standards recommended by the National Pickleball Association)
 - ii. A playground w/play equipment for kids
 - iii. Seating and picnic areas (at least three separate locations)
 - iv. Landscaping including shade trees that connect to the trail landscaping
 - v. Two (2) bike racks
 - vi. Four (4) benches around the pickleball courts (in addition to the other benches illustrated on the plan set)
 - vii. While no trash cans are proposed for the site, two (2) signs reminding users to remove any trash they bring in.
 - viii. Dripline irrigation for the trees and shrubs
 - ix. No fencing is proposed or approved. No chain link fencing is permitted around the park.
 - x. The above items must be reviewed and approved by the Town Planner prior to implementation.
 11. Trails: Proposed trails (and surface type) to be completed as part of Phases 3 & 4 shall be included on the construction plan set and noted on the proposed subdivision with an easement to allow public use for pedestrians and bikes.

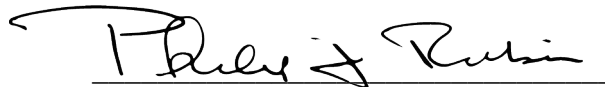
12. Streetscape amenities; lighting, signage, etc. shall be provided – construction details, sign type (if proposed), and materials/colors.
13. A Landscape Plan shall be provided for all of Phases 3 and 4 prior to commencement of any construction (and prior to issuance of any Building Permits) on Phase 4. This plan shall include street trees, common area and yard landscaping, entry features, and slope stabilization plantings where necessary – slopes greater than 50%. This plan must be approved by the Town Planner.
14. The Applicant shall submit a Construction Mitigation Plan (CMP) that is approved by the Town Planner and Town Engineer.
15. A subdivision construction permit, improvement agreement, and all fees and bonds will be required prior to any construction.
16. A final plat (mylar) is subject to review may require additional notes and corrections.
17. Recording of the subdivision will require a performance bond in accordance with current Town code, or formal acceptance of all improvements prior to recordation.

The exact language of the plat notes shall be finalized by the Town Attorney, Town Planner and Town Engineer as necessary to implement these conditions of approval and applicable provisions of the Hideout Municipal Code or State Code prior to Mylar signatures by the Town.

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

PASSED AND ADOPTED this 8th day of April, 2021

TOWN OF HIDEOUT


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk

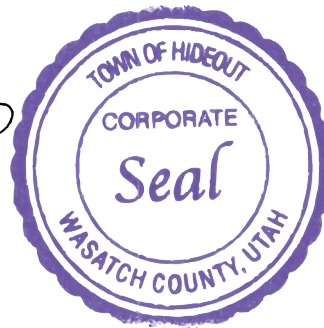
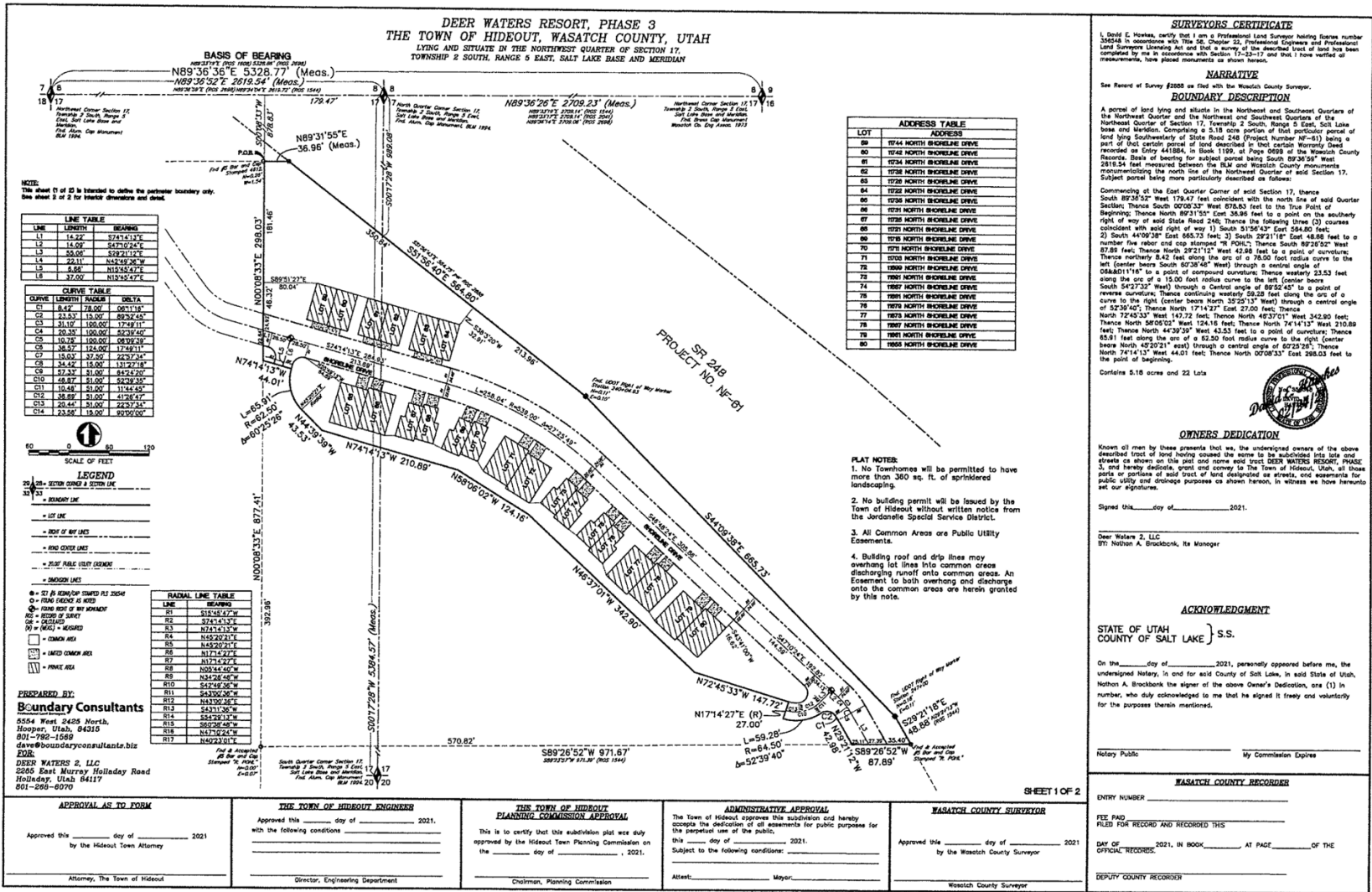
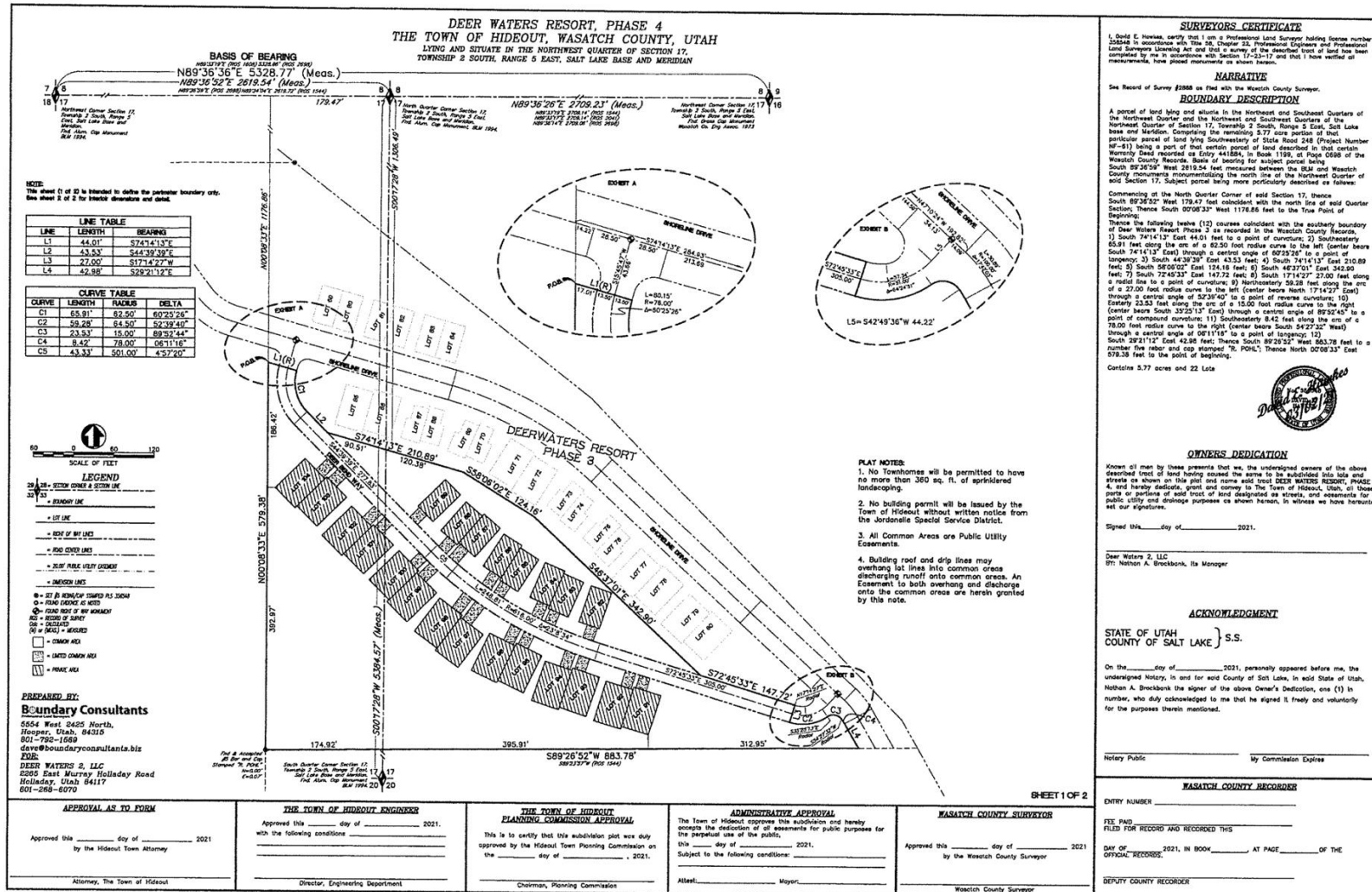


Exhibit A – Proposed subdivision plat for Deer Waters Phase 3





File Attachments for Item:

1. Consideration to grant a 30-day extension for the Plumb Subdivision beyond the one-year timeline to record with Wasatch County

April 7, 2021

Dear Gentleman & Women of Hideout City,

This letter is a formal request for deadline extension on the plat recording for Sundown Ridge at Hideout (700 E. Longview Dr.) which would expire this Friday April 9th, 2021.

As you may be aware, we have worked diligently to have every variable completed accurately and in its entirety so that we could begin excavation with the support of City of Hideout. I believe we have done so which should represent the good faith and intent of the project.

I am happy to report that the excavation (which officially began March 24, 2021) is ahead of schedule and the excavator is indicating that the project should be complete earlier than estimated.

However, due to timeliness complications completing the Letter of Credit (Performance Bond) requirement, my bank (issuer of the Letter of Credit) has indicated that the processing and finalizing of documents with the Title company has not yet completed. The expected date of closing (for Letter of Credit) will be April 8th or April 9th. Because of this, I understand that necessary time must be given for approvals and signatures from city officials as well and we will not make the April 9th, 2021 deadline for recording.

I am requesting an extension (beyond April 9th, 2021) for recording of the plat to give necessary and appropriate time for Title Company closing as well as City of Hideout signatures and paperwork processing.

I am hopeful that the presentation of work, diligence, and cooperation thus far will afford us this extension in order to ensure proper time allotment for those involved. As mentioned, excavation is on schedule and every intent will be given for absolute compliance and we are very hopeful of a successfully completed project in a few short months.

Thank you in advance for your consideration.

Regards,

Jason J. Day
Sundown Ridge at Hideout
700 E. Longview Dr.
801.368.0080

File Attachments for Item:

2. Presentation from the Community Enhancement Committee regarding new town sign



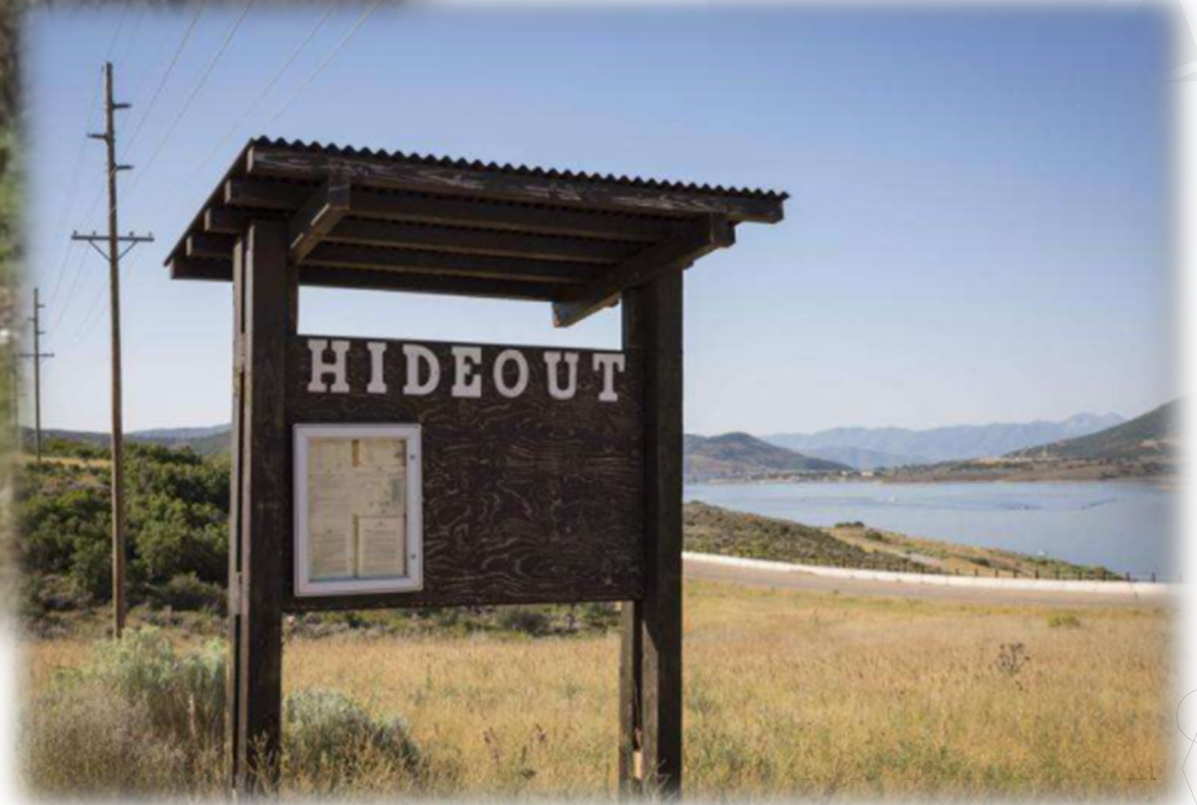
Hideout Signage

Hideout Community Enhancement Committee

Existing Town Signage

Item # 2.

Town and Bulletin Signage



Existing Town Signage

Subdivisions and Town Hall – Accidental Theme...

Item # 2.



A Little History

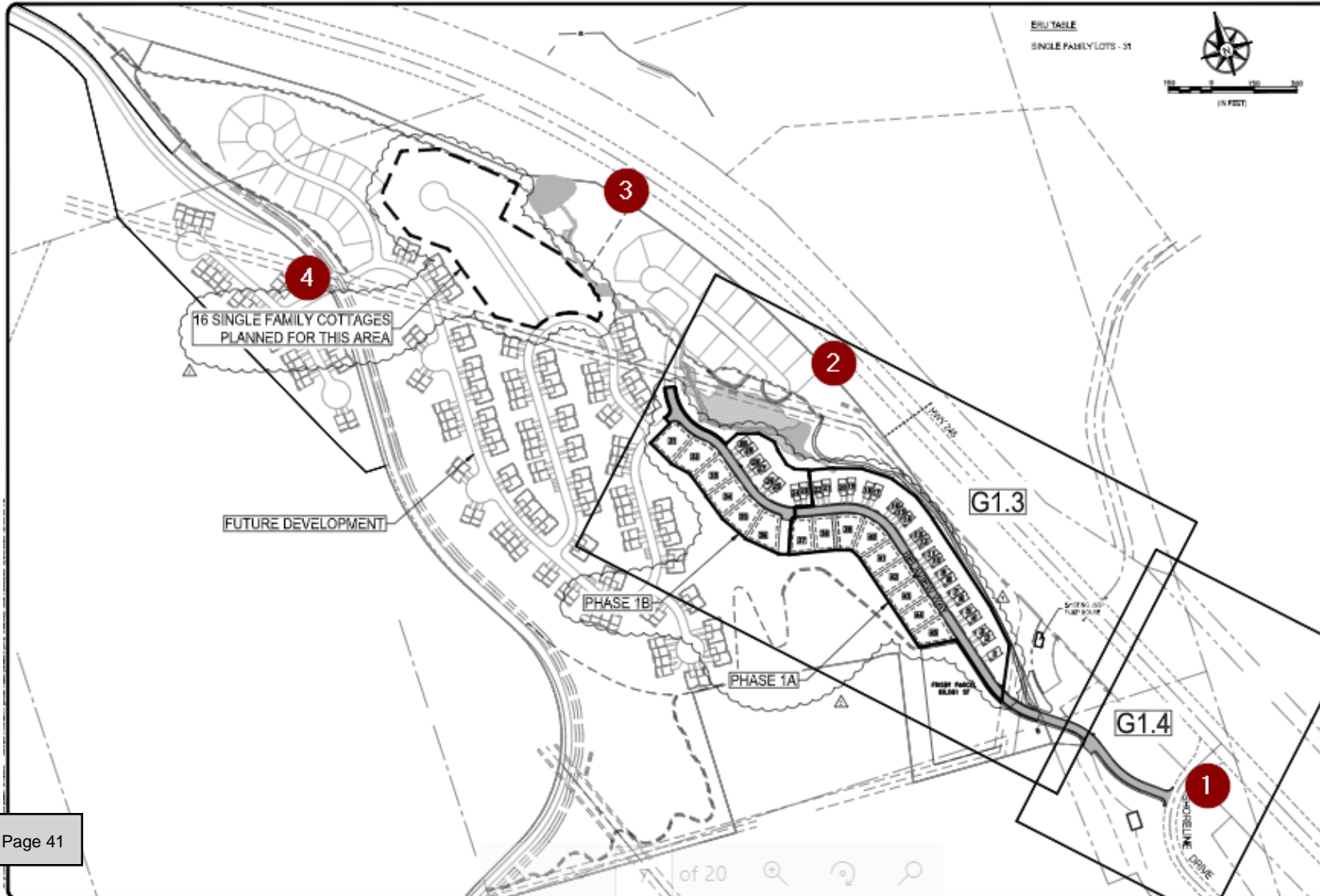
and a few facts

- The Deer Springs Annexation included a developer funded Monument Sign.
- The original plan for Longview Drive would have included a “T” intersection with the Ross Creek entrance.
- Conditions required a different roadway configuration, making a Monument Sign impractical where originally planned.
- The developer has agreed to fund the design and installation of a new powered Town Monument Sign along SR 248.
- The developer intends to install a Deer Springs subdivision sign at the entrance to Deer Springs (Belaview @ Longview).
- The existing “brown bulletin sign” is proximate to the Deer Springs subdivision and proposed signage.
- The existing brown sign is unsightly and does not reflect favorably on the town.
- The town requires “bulletin” locations throughout town; the Brown sign is currently one of those locations.
- We propose that the brown sign be removed, and a new bulletin sign be designed and placed along the Jordanelle Parkway (future bus stop location). The developer has agreed to fund this.
- The developer has agreed to remove the old town sign.

Sign Placement

Item # 2.

Existing and Proposed



1. Existing Brown Bulletin Sign
2. Existing Town Sign
3. Proposed Western Boundary Town Monument Sign
(adjacent to the Deer Springs Park)
4. Proposed Town Bulletin Sign
(adjacent to a future Bus Stop)
5. Proposed Eastern Boundary Town Monument Sign
(not shown, near Golden Eagle entrance)

Town Themes

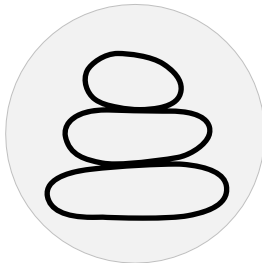
What elements represent our town...



Mountain



**Reservoir /
Water**



Natural Stone



Trees / Wood



Western



**Weathered
Steel**

Proposed Town Monument Sign Design – Wide View

Item # 2.



Proposed Town Monument Sign Design - Closeup

Item # 2.



Proposed Town Monument Sign Design – East Side

Item # 2.



Town Monument Sign(s)

Details

- The western boundary sign will be adjacent to the Deer Springs Park, taking advantage of the planned trees and landscape hedge between SR248 and the park.
- The signs will be powered, and internally lighted (Dark Sky Compliant).
- The left and right stone faces can support sub-signs:
 - The current Town Logo (potentially in color) and can be easily swapped as the logo changes over time.
 - A Dark Sky Certification Statement or Logo (“A Dark Sky Community”).
- The sign could be solar powered.
- The western boundary town sign will be developer funded. The eastern one would need to be budgeted.
- The Budgetary Estimate to install the eastern boundary monument sign is \$25,000 - \$30,000.

Proposed Town Bulletin Sign Draft Design



Notice Board
Side Elevation
1/2" = 1 foot

Notice Board
Front Elevation
1/2" = 1 foot

Town Bulletin Signs

Item # 2.

Details

- The Jordanelle Parkway installation may be part of a future Bus Stop installation with allowance for future benches and shelters. The developer will fund this installation.
- The design is suitable for a stand-alone installation elsewhere in town (as needed).
- The Budgetary Estimate to install additional Bulletin Signs is \$12,000 - \$15,000.

File Attachments for Item:

3. Discussion and consideration of approval of Ordinance 2021-XX regarding dark skies

10.16 DARK SKIES LIGHTING

10.16.02 PURPOSE

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

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

10.16.04 DEFINITIONS

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

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



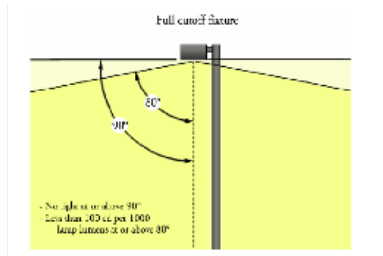
The lights on the left are non-conforming. Those on the right can be used in most cases. Depending on the mounting height and proximity to the property line, additional shielding may be necessary to prevent the luminous elements from being visible from any other property.

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

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

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

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



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

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

- a. Holiday lighting is permitted from November 15th – January 15th and must be turned off from midnight to 6am daily.
- b. Festoon type low-output lamps, limited to small individual bulbs on a string.
- c. Uplighting of wreaths and similar holiday items is permitted provided that individual lamps are less than 10 watts and 70 lumens.
- d. Low-output lamps (less than 50 watts and 750 lumens) used to internally illuminate yard art.
- e. Flood or spotlights producing less than 2000 lumens each whose light source is not visible from any other property.

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

Light fixture: any device intended to produce outdoor illumination.

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

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

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

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

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

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

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

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

10.16.06 APPLICABILITY AND EXEMPTIONS

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

1. Exemptions.

- a. Temporary lighting for decoration/seasonal, theatrical, television, performance areas, and construction sites, except as allowed by permit at the discretion of the town council.
- b. Town entrance lighting such as trees with strings of white lighting at the intersection of North Hideout Trail and SR248 and the trees within the traffic circle at the western terminus of North Hideout Trail.
- c. Underwater lighting in swimming pools and other water features.
- d. Lighting that is only used under emergency conditions.
- e. Lighting required by federal, state, county or city ordinances and regulations.
- f. Outdoor recreational facilities are exempt from lumen cap and shielding but must comply with 3,000 degrees Kelvin temperature requirement. Lights must be extinguished promptly after a sponsored event.

10.16.08 OUTDOOR LIGHTING STANDARDS.

1. Temperature of Lamps. Lamps shall not exceed a maximum correlated color temperature (CCT) of 3,000 degrees Kelvin.
2. Lamp and Shielding. All light fixtures over 1,500 lumens are required to be fully shielded and installed so that the shielding complies with the definition of a fully shielded light fixture.
3. Light Trespass Standard. All light fixtures, including motion sensing fixtures and security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source, including any public or private street or road.
4. Signs:
 - a. Front Lit: Any light with the intention to illuminate a sign must be oriented from the top and shine down.
 - b. Back Lit:

Commented [TE1]: Equivalent to approximately 100 watts (remember watts are not a measure of brightness, but rather energy use).

- I. The sign design may not contain any more than 10 percent white, including lettering.
 - II. Transparent or clear materials are not allowed.
 - III. Nonface portions of the sign (e.g., background and sides) shall be made of completely opaque material.
 - IV. Internal lights must not exceed 3,000 degrees Kelvin if greater than or equal to 1,500 lumens.
- c. Neon: Any sign consisting of more than three feet of neon must be extinguished no more than four hours after sundown during daylight savings and six hours during regular mountain time.
- d. Electronic:
- I. EMS signs are for public safety purposes only and prohibited for private or commercial use.
 - II. Luminance levels for operation after sundown and until sunrise shall not exceed 100 nits (candela per square meter) as measured under conditions of a full white display.
 - III. Messages appearing on Electronic Messenger Systems (EMS) shall not be displayed for less than 30 seconds and require no longer than 0.25 seconds to transition from one message to another. Moving text is prohibited.
 - IV. The luminous surface area of an individual EMS shall not exceed 50 square feet.
 - V. EMSs shall not be placed within 1,500 feet (300 meters) of other off-premises changeable electronic variable message sign on the same side of the highway, regardless of face orientation.
 - VI. EMSs shall not be placed within 1,500 feet (300 meters) of residential areas.
 - VII. The device owner or the permit holder shall continuously monitor signs 24 hours per day, including monitoring the reliability of hardware, software, network and other support infrastructure.
 - VIII. Signs shall contain a default mechanism so that in the event 10 percent or more of an EMS's LED emitters have failed, the sign will immediately revert to an unlit black screen and remain in such condition until the malfunction is corrected.
5. Parking Lots:
- a. Spot or flood lighting of parking lots from a building or other structure is prohibited.
 - b. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed 20 feet. All post mounted parking lot lights shall be set back from property lines a distance that is determined appropriate by the planning commission.
 - c. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed 16 feet.
 - d. The lighting in commercial parking lots must be turned down by at least 75% of all light fixtures (or 75% of total light emitted) two (2) hours after closing time in the evening or from 10pm to 6am, whichever is the most restrictive.
 - e. All parking lot lighting shall use full cutoff fixtures.
6. Gas Station Canopies. Gas station canopies may be illuminated, provided all light fixtures are mounted on the undersurface of the canopy, all light fixtures are full cutoff and diffusers are not visible from locations off the property. Except for directed beam lighting, merely placing the

fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.

7. Total Outdoor Light Output Standards – Commercial and Multifamily Uses.
 - a. Total outdoor light output shall not exceed 15,000 lumens per net acre for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site.
 - b. Seasonal decorations are not counted toward this limit.
8. Total Outdoor Light Output Standards – Single-Family Residential Uses:
 - a. Outdoor lighting for single-family residential uses is subject to a lumen per net acre cap of 10,000 lumens net.
 - b. Outdoor lighting for single-family residential uses is subject to the lamp fixture and shielding requirements.
9. Roadway/Streetlights. Streetlights are allowable as recommended by the public works administrator or town council. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other negative impacts of artificial lighting. They shall not exceed 10,000 lumens per net acre. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
10. New Public Lighting – Streetlights/Public Property and Rights-of-Way:
 - a. All new streetlights are allowed as recommended by public works administrator and town council. They will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. They shall not exceed 10,000 lumens per net acre. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - b. Public Property. Properties owned by Hideout such as parks and other community gathering spaces will adhere to all standards as indicated. They will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - c. Rights-of-Way. All rights-of-way will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - d. All new public lighting will be part of the planning and zoning process in which public buildings, public property and rights-of-way lighting is determined. This will be incorporated as part of the zoning process moving forward to ensure compliance with this chapter.
11. Prohibited Lighting:
 - a. Up lighting to illuminate buildings, other structures or vegetation.
 - b. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including temporary holiday lighting.
 - c. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.
 - d. Searchlights, laser source lights or any similar high intensity light.
 - e. Except when used in window signage pursuant to subsection (10.16.06 (4.C) of this section, neon or luminous tube lighting, either when outdoor mounted or indoor mounted, if visible beyond the property boundaries.

Deleted: Nonresidential

Deleted: Of the 15,000 lumens, 10,000 lumens minimum must be fully shielded with 5,000 maximum unshielded. ...

10.16.10 LIGHTING CONTROL.

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

10.16.12 IMPLEMENTATION.

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

10.16.14 ENFORCEMENT AND PENALTIES.

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

1. The penalty for violation of any portion of this chapter shall be:
 - a. First Notice. A notice to the property owner requesting compliance within three months.
 - b. Second Notice. If after three months the violation exists a notice will be given to appear before the Hideout Town Council to discuss options to come into compliance.
 - c. Third Notice. If after six months a violation of the provisions of this chapter shall be an infraction punishable by penalties up to ~~\$1,000~~ per day per residential/commercial unit.

Deleted: 2

2. Violations regarding 10.16.10 lighting control (not withstanding 10.16.14.1) :
 - a. First notice. A notice to the property owner requesting compliance within 72 hours.
 - b. Second notice. If after 72 hours a violation of this light control shall be an infraction punishable by penalties up to \$50 per day until compliance.

10.16.16 CONFLICTS.

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

File Attachments for Item:

5. Discussion regarding nightly rentals



Staff Report – Nightly Rental Work Session

To: Town Council
Town of Hideout

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

Re: Nightly Rental – Work Session

Date: March 31, 2021

Background

The recent review of a previously approved subdivision plat for Deer Springs Phase 1 revealed that the developer had a note on the plat that indicated that nightly rentals were an approved use within the subdivision. This was further reinforced by the CC&Rs which had been accepted by the Town; they also included nightly rentals as an allowable use. The Town agreed to allow nightly rentals as a 'grandfathered use' for Phase 1 only (45 of the 248 total units in Deer Springs). Nightly rentals will not be permitted in subsequent phases.

Staff recommended the following conditions (as plat notes) for these nightly rentals:

1. The allowance of nightly rentals is only for Phase 1 and Phase 1 Amended.
2. Any night rentals must be managed by a professional management service with someone who can respond on site within 30 minutes.
3. All nightly rentals require a business license.

As a result of this issue, staff would like the Council's input regarding nightly rentals in future projects.

Existing Ordinance Requirements

At present, the zoning districts within the Town of Hideout do not include short-term rentals (commonly known as nightly rentals) in the table as a permitted use in any district with the exception of Hospitality Casita (HC) zoning district. While this district exists in the Hideout Municipal Code (Title 12), there are no areas within the Town actually zoned HC.



Zoning Districts (Existing Within the Town of Hideout's Boundary)

12.30.02	MOUNTAIN ZONE
12.30.04	PLANNED PERFORMANCE DEVELOPMENT (PPD)
12.30.06	RESORT SPECIALLY PLANNED AREA (RSPA)
12.30.06.09	RESIDENTIAL SINGLE FAMILY (RSF)
12.30.06.10	RESIDENTIAL MEDIUM DENSITY (RMD)
12.30.06.11	HOSPITALITY CASITA (HC) – Permitted uses within the HC
	Classification include hospitality and short-term rental, timeshare or other shared use facilities, recreational, hospitality support and Resort Features.
12.30.06.12	RESORT VILLAGE MEDIUM DENSITY (RVMD)
12.30.06.13	RESORT VILLAGE HIGH DENSITY (RVHD)
12.30.06.14	NEIGHBORHOOD COMMERCIAL (NC)
12.30.06.15	COMMUNITY SITE (CS)
12.30.06.16	OPEN SPACE (OP)
12.30.06.17	RESORT FEATURE (RF)

The Town of Hideout's new zoning districts for land that may be annexed into the Town do not include short-term rentals (< 30 days) as a permitted use in any district with the exception of the Commercial (C) zoning district and this is presumably reserved for hotels and condominium/hotel projects.

New Zoning Districts (For Future Annexation Areas and/or Possible Rezoning Requests)

12.08	MOUNTAIN RESIDENTIAL (MR) ZONE
12.10	RESIDENTIAL 3 (R3) ZONE
12.12	RESIDENTIAL 6 (R6) ZONE
12.14	RESIDENTIAL 20 (R20) ZONE
12.16	NEIGHBORHOOD MIXED USE (NMU) ZONE
12.18	COMMERCIAL (C) ZONE – Short term rentals are a permitted (P) use
12.20	LIGHT INDUSTRIAL (LI) ZONE
12.22	COMMUNITY RECREATION (CR) ZONE
12.24	NATURAL PRESERVATION (NP) ZONE

Discussion Requested:

Does Council wish to preclude nightly rentals in the Zoning Ordinance? Much of the Town is subject to the Hideout Master HOA which prohibits nightly rentals. However, there are several subdivisions which are not subject to the Master HOA. Those subdivisions are all within MIDA so the tax benefit to the Town is reduced. It is also possible for the restrictions of the Master HOA to change at some future time. At present, the exclusion of short-term rentals in the use chart infers such uses are not



allowed. Staff would recommend that the Code be clarified to list short term rentals as a prohibited use. Does Council wish to see language specifically prohibiting short-term or nightly rentals?

File Attachments for Item:

6. Discussion and consideration of adopting Resolution 2021-XX amending the Fee and Rate Schedule to account for a sewer rate increase from JSSD

TOWN OF HIDEOUT FEE & RATE RESOLUTION #2021-02
 (Amending Resolution #2021-01 dated March 11, 2021)

**A RESOLUTION ADOPTING FEE SCHEDULES AND POLICIES FOR
 CONSTRUCTION, BUILDING, FACILITY RENTAL, PLANNING, SIGN CODE, BUSINESS
 LICENSE, BEER AND LIQUOR LICENSES, GRAMA AND OTHER FEES.**

WHEREAS, JSSD has increased impact fee amounts based on their calculations for which the Town of Hideout is responsible to pay, and

WHEREAS, it is necessary to update the current fee schedule to reflect the costs of the increased impact fees for sewer impacts, and

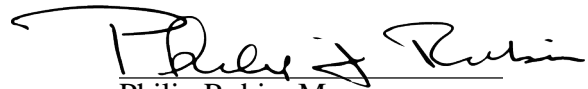
WHEREAS, the Town desires to pass charges for costs incurred

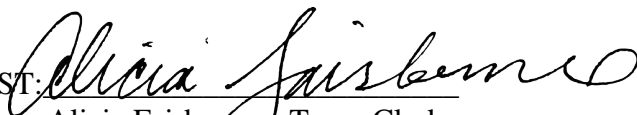
NOW, THEREFORE, BE IT RESOLVED by the Town Council of Hideout Town, State of Utah, as follows:

The Fee Schedule(s) as adopted by any previous Resolutions or Ordinances and that are updated or contained in this Resolution are hereby repealed and in its place this Resolution is adopted establishing the fees for various Town services, permits and processes as attached in Exhibit A. All other parts, sections, regulations or fees of any Resolutions or Ordinances other than those modified or included in this Resolution shall remain in full force and effect.

Passed and adopted by the Town Council of Hideout, Utah this 8th day of April, 2021.

THE TOWN OF HIDEOUT


 Philip Rubin, Mayor

ATTEST: 
 Alicia Fairbourne, Town Clerk



Section 1.1 Building Permit Application Fees

Residential

Building Fees (Based on Total Construction Value using 150% of IBC table 1) <i>The values per square foot are reflective of the February 2019 Building Valuation Data.</i>	.75 of 1% of Total Construction Value
Plan Review Fee	65% of Building Fee
Fire Sprinkler Review/Inspection Fee (where applicable)	\$370.00
Construction Sign Fee	\$200.00
Sewer Connection Fee	\$400.00
Grubbing and Grading Fee	\$250.00
Excavation	\$400.00
Water Connection Fee (plus cost of meter and insulation)	\$985.00
Water Re-Connection Fee (plus cost of meter)	\$150.00
Utility Property Owner Transfer Fee	\$20.00
Sewer Impact Fee: (where applicable) <u>Parcel 1 (West side of SR248)</u>	\$5,083.00 <u>\$7,231.00</u>
<u>Parcel 2 (East side of SR248)</u>	<u>\$5,083.00</u>
<u>Water Impact Fee (where applicable)</u>	<u>\$7028.00</u>
State Surcharge	1% of Building Fee
Roadway Construction Fee	\$500

Commercial

Building Fees	.75 of 1% of Total Construction Value
Plan Review Fee	65% of Building Fee
Fire Sprinkler Review/Inspection Fee (where applicable)	\$370.00
Construction Sign Fee	\$200.00
Sewer Connection Fee	\$400.00
Grubbing and Grading Fee	\$250.00
Excavation	\$400.00
Water Connection Fee	\$950.00
Water Re-Connection Fee (plus cost of meter)	\$150.00
Utility Property Owner Change Fee (plus cost of meter)	\$20.00
Sewer Impact Fee: (where applicable) <u>Parcel 1 (West side of SR248)</u>	\$5,083.00 <u>\$7,231.00</u>
<u>Parcel 2 (East side of SR248)</u>	<u>\$5,083.00</u>
<u>Water Impact Fee (where applicable)</u>	<u>\$7028.00</u>
State Surcharge	1% of Building Fee
Roadway Construction Fee	\$500

Remodel Building Permit Fees

Application Fee	\$200.00
Administrative Fee	10% of Town Engineer estimated fees for plan review and inspections
State Surcharge	1% of Town Engineer estimated fees for plan review and inspections

**Section 1.2
Planning Fees**

1.2.1 Development Fees

Concept Review	\$2,000 (plus overage costs)
Preliminary Subdivision (Residential) - Major (6 Lots or More)	\$6,000 + \$100/acre (plus overage costs)
Preliminary Subdivision (Residential) - Minor (5 Lots or Fewer)	\$4,500 + \$100/acre (plus overage costs) <i>*Preliminary Review not required if Applicant wishes to proceed directly to Final Review</i>
Preliminary Subdivision (Commercial/Other)	\$3,500 + \$750/acre (plus overage costs)
Final Subdivision (Residential) - Major (6 Lots or More)	\$6,500 + \$100/acre (plus overage costs)
Final Subdivision (Residential) - Minor (5 Lots or Fewer)	\$2,000 + \$100/acre (plus overage costs) if Preliminary Subdivision review complete; <i>OR</i> \$5,000 + \$100/acre (plus overage costs) if Preliminary Review not completed
Final Subdivision (Commercial/Other)	\$3,500 + \$750/acre (plus overage costs)
Plat Amendment and Lot Combination	\$1,250 (plus overage costs)
Revised Development Plans	\$1,500 (plus overage costs)
Excavation permit	\$500 drop off fee
	bond equal to 100% of construction costs
	5% of construction cost as inspection fee

1.2.2 Conditional Use Permit

Conditional Use Permit	\$3,000 (plus overage costs)
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1.2.3 Temporary Use Permit

Temporary Use Permit	\$750 (plus overage costs)
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1.2.4 General Plan Amendment

Per Application	\$7,500 (plus overage costs)
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1.2.5 Zone Change Application

Zone Change	\$5,000 + \$50/acre (plus overage costs)
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1.2.6 Annexations

Pre-Application	\$7,500 up to 40 acres \$15,000 over 40 acres (plus overage costs)
Annexation Areas Exceeding 40 Acres (Deposit submitted upon Certification of Completeness of pre-application and prior to filing annexation petition. When the deposit is depleted, the applicant shall submit another equivalent deposit for the continued review. All unused deposited funds will be reimbursed to the applicant upon completion of the annexation and agreements.)	\$20,000 plus \$250 for every additional acre over 40 (plus overage costs)
Annexation Areas up to 40 Acres (Deposit submitted upon Certification of Completeness of pre-application and prior to filing annexation petition. When the deposit is depleted, the applicant shall submit another equivalent deposit for the continued review. All unused deposited funds will be reimbursed to the applicant upon completion of the annexation and agreements.)	\$10,000 (plus overage costs)
Annexation Fiscal Impact Analysis	\$5,000 up to 40 acres plus \$100 for each additional acre
Amendment to Annexation Agreement	\$5,000 (plus overage costs)

1.2.7 Sign Review Fees

Master Sign Plan Review	\$500 (plus overage costs)
Individual Signs or Sign Plans or Minor Amendment to Existing Master Sign Plan	\$350 (plus overage costs)
Individual Signs when a Master Sign Plan has been Approved	\$250 (plus overage costs)
Temporary Signs	\$150 (plus overage costs)

1.2.8 Special Meetings

Special Meeting Fee (Planning Commission or Town Council)	\$750 per meeting in addition to other fees
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** As used in this Fees and Rates Schedule, the term "overage costs" means any actual costs incurred by the Town in connection with the review or processing of the applicable permit or application which exceed the stated amount of the fee (such actual costs could include, but are not limited to, engineering costs, inspection costs, planning costs, legal costs, costs of documents and materials, etc.).*

1.3 Subdivision Construction Review and Inspection Fees

Subdivision construction permit	\$5,000.00
Cash (or equal) Bond requirement	100% of approved engineers estimate plus 10% contingency
Inspection and quality assurance reviews	5% of approved engineers estimate

Cash bonds can be reduced for work completed when requested by the developer with a maximum frequency of 1 reduction per quarter. 10% of the construction bond will be retained for 12 months AFTER FINAL ACCEPTANCE of the project as a warranty bond.

**Section 2
Business License, Beer and Liquor License**

License Application Fee	\$75.00
Home Occupation Business Application Fee	\$75.00
Annual License Administration Fee	\$75.00
On Premises Beer Retail License Application/Annual Fee	\$75.00
Restaurant Liquor License Application/Annual Fee	\$300.00
Limited Restaurant Liquor License Application/Annual Fee	\$300.00
On Premises Banquet License Application/Annual Fee	\$350.00
Private Club Liquor License Application/Annual Fee	\$350.00
Application and Annual Regulatory Business License Fee (Restaurants, Food Service, Taverns, Nightly Rental)	\$175.00
Sexually Oriented business License Application/Annual Fee	\$300

**Section 3
Rental of Town Facilities**

3.1 Town Hall Building

Hideout resident usage per day or any fractional part thereof	\$100.00
Non-resident usage	\$500.00
<i>Note: renter will be charged actual cost for cleaning after usage.</i>	

3.2 Fee Reduction or Waiver

Use of facilities for non-profit, public service clubs or organizations may have all or part of their associated rental fees waived by the Town.

**Section 4
GRAMA Fees (Government Records Access and Management Act)**

4.1 Copies Made at Town Facility

8-1/2 x 11 copies	\$.30 per page (double-sided charged as two pages)
8-1/2 x 14 copies	\$.45 per page (double-sided charged as two pages)
Other media duplication	At cost
Professional time	At cost in accordance with Utah State Code

4.2 Copies in Excess of 50 Pages

The Town reserves the right to send the documents out to be copied and the requester shall pay the actual cost to copy the documents, including any fee charged for pickup and delivery of the documents.

4.3 Compiling Documents

Records Request	(Utah Code §63-2-203) An hourly charge may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request. No charge may be made for the first quarter hour of staff time.
In a form other than that maintained by the Town	\$50.00 per request or \$20.00 per employee hour required to compile the record, whichever is greater.

Section 5 Penalties and Fees for Non-Compliance With Town Ordinances and Code

5.1 Penalty Fees: Code Violations

Daily Fee for Each Cited Violation	\$200.00
Fees will continue to accrue after each Notice of Violation until the referenced violation is corrected. If fines remain unpaid, the Town may issue a stop work order or revoke any applicable permit.	

Section 6 Water Fees

6.1 Developer Reservations

Stand-by Fee (platted lots without homes)	\$207.00 per lot annually
Stand-by Fee (platted lots with accepted water infrastructure)	\$238.00 per lot annually
Water Reservation Fees	\$160.00 per Hideout Unit (HU) defined as a planned Hideout lot.

6.2 Water Connection Fees

Administrative Fee	\$75.00
Water Meter, Installation, and Inspection Fee	\$985.00
Retrofit insulation for uninsulated pre-existing meters	\$35.00

6.3 Monthly Water Metered Service

6.3.1 Residential

Base Rate	\$73.00 for the first 10,000 gallons
Next 10,000	\$8.80 per 1,000
Next 10,000	\$10.60 per 1,000
Next 20,000	11.70 per 1,000
Next 20,000	12.90 per 1,000
Next 20,000	14.20 per 1,000

**TOWN OF HIDEOUT
FEE AND RATES SCHEDULE**

RESOLUTION 2021-06 Item # 6.
Updated April 6, 2021

Next 20,000	15.70 per 1,000
Over 110,000	\$17.30 per 1,000

6.3.2 Multifamily

Base rate	\$140.00 for the first 10,000 gallons
Next 20,000	\$15.40 per 1,000
Next 20,000	\$17.00 per 1,000
Next 20,000	\$18.70 per 1,000
Next 20,000	\$20.60 per 1,000
Next 20,000	\$22.70 per 1,000
Next 30,000	\$25.00 per 1,000
Over 140,000	\$27.50 per 1,000

6.3.3 Parks/Irrigation

0 Usage	\$0.00
First 10,000	\$73.00 for 1 to 10,000 gallons
Next 20,000	\$8.10 per 1,000
Next 20,000	\$9.00 per 1,000
Next 20,000	\$9.90 per 1,000
Next 20,000	\$10.90 per 1,000
Next 20,000	\$12.00 per 1,000
Next 30,000	\$13.20 per 1,000
Over 140,000	\$14.60 per 1,000

6.4 Hideout Irrigation

Outlaw Golf Course	JSSD annual bill plus 10% for administration and maintenance for the infrastructure
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6.5 Water Reconnection Fee

Due to non-payment or failure to maintain backflow, etc.	\$150.00
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6.6 Extension of Water Services Policy

Any project or applicant or developer, whether an individual unit or multiple unit or subdivision, that requires connection to the Town water system, shall be required to pay all the costs of any extensions or facilities necessary to achieve a connection that meets the Town Council's standards or specifications in force at the time. This may include not only the capital cost of the project, but any Town costs associated with plan approval, engineering and inspection work, exclusive to the extension.

After final inspection of the improvements or extension(s), the applicant or developer must provide title and easements to the systems, free and clear of any encumbrances to the Town, to be operated as a public system by the Town. A one-year warranty will be required on the system from the date of acceptance.

6.7 Construction use of Water Before Meter Installation

Deposit for Meter	\$1,850.00 (\$350.00 is non-refundable)
Usage Fee/1000 gallons	\$7.30

Section 7 Sewer Fees

7.1 Sewer Impact Fees

Bonded	\$5,083.00
Unbonded	\$7,231.00

7.2 Sewer Connection Fees

Connection and Inspection Fee	Included in Application Fee
Administrative Connection Fee	\$40.00

7.3 Monthly Sewer Fees

Per residential or commercial unit	\$28.60
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7.4 Extension of Sewer Services Policy

Any project or applicant or developer, whether an individual unit or a multiple unit or subdivision, that requires connection to the Town sewer system, shall be required to pay all of the costs of any extensions or facilities necessary to achieve a connection that meets the Town Council's standards or specifications in force at the time. This may include not only the capital costs of the project, but any Town costs associated with plan approval, engineering and inspection work, exclusive to the extension.

After final inspection of the improvements or extension(s), the applicant or developer must provide title and easements to the systems, free and clear of any encumbrances to the Town, to be operated as a public system by the Town. A one-year warranty will be required on the system from the date of acceptance.

Section 8 Account Late Fees

Overdue Accounts	1.5% monthly interest charge
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Section 9 Storm Drain Fee

9.1 Monthly Storm Drain Fee

Per Billable Meter	\$6.00
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Section 10 Impact Fees

Subdivision	Water	Roads	Storm Drain	Sewer	Total Impact Fee
ADA LLC	\$1,445	\$5,215	\$0	\$1,330	\$7,990
Apartments at Deer Mountain	\$0	\$5,215	\$0	\$0	\$5,215
Deer Springs (tentative)	\$0	\$5,215	\$0	\$0	\$5,215
Deer Waters	\$0	\$5,215	\$0	\$0	\$5,215
Forevermore	\$1,445	\$5,215	\$6,665	\$1,330	\$14,655
Glistening Ridge	\$1,445	\$5,215	\$6,665	\$1,330	\$14,655
Golden Eagle	\$0	\$5,215	\$0	\$1,330	\$6,545
KLAIM	\$0	\$5,215	\$0	\$0	\$5,215
New Town Center	\$1,445	\$5,215	\$4,315	\$1,330	\$12,305
Overlook Village	\$1,445	\$5,215	\$4,315	\$1,330	\$12,305
Perch (The Settlement)	\$1,445	\$5,215	\$4,315	\$1,330	\$12,305
Plumb	\$1,445	\$5,215	\$4,315	\$1,330	\$12,305
Reflection Lane	\$0	\$5,215	\$4,315	\$1,330	\$10,860
Reflection Ridge	\$0	\$5,215	\$4,315	\$1,330	\$10,860
Ross Creek Entrance	\$0	\$5,215	\$0	\$0	\$5,215
Rustler	\$1,445	\$5,215	\$6,665	\$1,330	\$14,655
Salzman	\$1,445	\$5,215	\$0	\$1,330	\$7,990
Shoreline Phase I	\$1,445	\$5,215	\$0	\$1,330	\$7,990
Shoreline Phase II	\$1,445	\$5,215	\$0	\$1,330	\$7,990
Shoreline Remaining (tentative)	\$1,445	\$5,215	\$0	\$1,330	\$7,990
Silver Sky	\$1,445	\$5,215	\$4,315	\$1,355	\$12,330
Soaring Hawk	\$0	\$5,215	\$0	\$1,355	\$6,570
Sunrise	\$1,445	\$5,215	\$0	\$1,330	\$7,990
Van Den Akker	\$0	\$5,215	\$0	\$0	\$5,215
Venturi	\$1,445	\$5,215	\$4,315	\$1,330	\$12,305
Woolf	\$0	\$5,215	\$0	\$1,355	\$6,570