



HIDEOUT, UTAH TOWN COUNCIL REGULAR MEETING

February 9, 2023

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold its regularly scheduled meeting electronically for the purposes and at the times as described below on Thursday, February 9, 2023.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin's January 13, 2023 No Anchor Site Determination Letter.

All public meetings are available via ZOOM conference call and YouTube Live.

Interested parties may join by dialing in as follows:

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

Regular Meeting
6:00 PM

- I. Call to Order
 - [1.](#) No Anchor Site Determination Letter
 - II. Roll Call
 - III. Approval of Council Minutes
 - [1.](#) November 10, 2022 Town Council Meeting Minutes DRAFT
 - IV. Update on Golden Eagle Subdivision
 - [1.](#) Letter to Golden Eagle Lot Owners
 - V. Public Input - Floor open for any attendee to speak on items not listed on the agenda
 - VI. Agenda Items
 - [1.](#) Consideration and possible approval of Resolution 2023-R-XX appointing Jake McHargue as Hideout Town Treasurer effective January 29, 2023
 - [2.](#) Consideration and possible approval of granting a one-time, six-month extension to record the approved subdivision plat for Overlook Village (lots 38 and 39)
 - [3.](#) Consideration of an approval to grant a one-time, six-month extension to record the final subdivision plat for KLAIM Phase 4
 - [4.](#) Update on National Incident Management System (NIMS) / Federal Emergency Management Agency (FEMA) - ***Council Member Haselton***
 - VII. Committee Updates
 - 1. Planning Commission - *Donna Turner*
 - 2. Design Review Committee (DRC) - *Thomas Eddington*
 - 3. Parks, Open Space and Trails (POST) Committee - *Council Member Baier*
 - 4. Transportation Committee - *Council Member Haselton*
 - 5. Community Engagement Committee - *Council Member Jacobs*
 - VIII. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed
 - IX. Meeting Adjournment
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Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Mayor or City Recorder 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 02/08/2023



January 13, 2023

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

The Mayor of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(5) and Hideout Town Resolution 2022-R-17. The facts upon which this determination is based include: The seven-day rolling percent and number of positive COVID-19 cases in Utah has been over 15.61% of those tested since January 4, 2023. The seven-day number of positive cases has been, on average, 302.9 per day since January 10, 2023.

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

Interested parties may join by dialing in as follows:

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

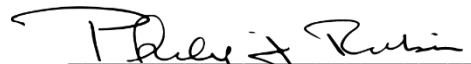
To join by telephone dial: US: +1 408-638-0986

Meeting ID: 4356594739

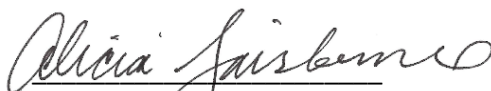
Additionally, comments may be emailed to hideoututah@hideoututah.gov. Emailed comments received prior to the scheduled meeting will be considered by Council and entered into public record.

This determination will expire in 30 days on February 12, 2023.

BY:


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk



Minutes
Town of Hideout
Hideout Town Council Regular Meeting and Public Hearing
November 10, 2022

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

Regular Meeting

I. Call to Order

1. No Anchor Site Determination Letter

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

II. Roll Call

Present:

Mayor Phil Rubin
 Council Member Chris Baier
 Council Member Carol Haselton
 Council Member Bob Nadelberg (*joined at 6:34 p.m.*)
 Council Member Ralph Severini

Excused:

Council Member Sheri Jacobs

Staff Present:

Town Attorneys Polly McLean (*excused at 7:44 p.m.*) and Cameron Platt
 Town Administrator Jan McCosh (*excused at 8:00 p.m.*)
 Town Planner Thomas Eddington
 Director of Engineering and Public Works Timm Dixon
 Director of Public Works Daniel Allen
 Recorder for Hideout Alicia Fairbourne

Others Present: Kaye Lee, Planning Commissioner Jonathan Gunn, Larry Eisenfeld, Katie Shepley, David Sherwood, Patrick Todd, Grey Garza, Damian Taitano, Nate Brockbank, Patricia Bidwell and others who may have logged in using a partial name or using only a phone number.

III. Update on Golden Eagle Subdivision

Mayor Rubin stated progress had been made. Several identified issues were addressed, and the repairs were nearly complete. The water tank was filled and closed, however, only one of two required sources of power were operational. The Town had continued to pursue obtaining the drawings for the storm drain system, which was another requirement. A section of road needed to be paved, which was being worked on. Town Attorney Polly McLean noted as the systems

1 were completed, the financial assurance declined. Mayor Rubin stated once the water system
2 was fully operational, testing was required to ensure it was safe for consumption.

3 Council Member Baier asked for clarification, and reiterated because the infrastructure was not
4 fully operational, no building permits or certificates of occupancy could be issued. Mayor Rubin
5 confirmed and noted one certificate of occupancy was issued; however, the home was using an
6 alternative, temporary water supply which was not intended to be a source of water for the
7 remainder of the subdivision. Ms. McLean further clarified certificates of occupancy required
8 a substantial completion of infrastructure and had different standards than those required for a
9 building permit.

10 Mayor Rubin mentioned the paving would need to be completed for emergency apparatus to
11 access the subdivision.

12 **IV. Public Hearing**

13 **1. Consideration and possible approval of Phases 2 and 3 of the Lakeview Estates Subdivision**

14 Town Planner Thomas Eddington presented the Staff Report for the Lakeview Estates
15 Subdivision and provided an overview. He noted the overall subdivision plan had been reviewed
16 and approved by Council on October 8, 2020. Phase 1 was recorded in March, 2021. The
17 applicant was seeking final approval for the remaining two (2) phases. He further explained no
18 changes had been made to the remaining phases since approval and all the conditions were in
19 place.

20 Phase 2 and 3 of the Lakeview Estates Subdivision included fifty-nine (59) lots, with several
21 areas for open space and a park. Mr. Eddington reviewed the various design modifications
22 which were made from the original plan in order to meet the requirements of the deed restriction
23 on the property. This included adjusting the setbacks on several lots, reducing the height of the
24 retaining walls, and reducing the size of several lots. He further noted the open space exceeded
25 the required twenty percent (20%).

26 Council Member Haselton noted a discrepancy regarding the approved density listed in the Staff
27 Report and what was listed in the deed restriction. Mr. Eddington explained when the original
28 application was submitted, the area was zoned as Residential Single Family. The intention was
29 to evaluate a Planned Performance Overlay District, which was incorporated into the Hideout
30 Municipal Code at that time. A Planned Performance Overlay District would allow flexibility
31 in density. Although the Council approved the development to be classified as Residential
32 Medium Density, which would allow up to sixty-nine (69) units, there were concerns of the
33 development not appearing as a single-family unit development due to the smaller lot sizes. At
34 that time, the Council negotiated a deed restriction on the development which would allow fifty-
35 nine (59) units, limit the height of the units to thirty-five (35) feet, and allow up to six (6) units
36 per acre, although the applicant was proposing only three (3) units per acre.

37 Council Member Baier inquired if the homes would be smaller homes because of the height
38 restriction and smaller lots. Applicant Patrick Todd confirmed each unit would be
39 approximately thirty-five hundred (3500) square feet on a third (1/3) acre lots.

40 Council Member Baier inquired if the open space would be landscaped, to which it was
41 confirmed the developer would coordinate a landscape plan to ensure native vegetation was
42 planted upon completion of the subdivision.

Council Member Baier inquired if there were adequate water shares for the development. Mayor Rubin pointed out it was included in the proposed Resolution that the developer would supply enough water shares and a will-serve letter from Jordanelle Special Service District (JSSD). Mr. Todd confirmed adequate water shares were in place.

Council Member Haselton noted the Resolution needed clarification regarding the location of the development and asked Mr. Eddington to add in the Findings of Fact, #5 that the property was situated between Shoreline Subdivision Phases 2 and 3/3A, and Deer Waters Phases 1, 2 and 4. Mayor Rubin suggested in the future to include the plat numbers on the Resolution.

Council Member Baier asked about the location of the trails and where the potential connection to the park was located. Mr. Eddington showed the connection as the far northwestern corner of the subdivision, which was noted on the plat. He explained the trails were not shown on the plat map, however; they were shown on the construction plan set. The trails would be incorporated upon completion of construction in order to provide some flexibility and ensure the use of all public utility easements was allowed. He further noted the trails would be paved and would connect to the existing trail system. A trail would also be added to connect to the pickleball courts in the Deer Waters Subdivision.

Parking for the pickleball courts and snow storage were discussed. Mr. Eddington and Mr. Todd specified where the visitor parking was located. Mayor Rubin noted the setbacks were such that they allowed most of the snow to be pushed onto the sides of the roads. Additional snow storage was located near the entrance of the subdivision as well as north of the three lots which were to the left of the power line easement.

Council Member Baier verified the roads were at the current standard of twenty-six feet (26') wide. Mayor Rubin and Mr. Eddington confirmed they met the current code.

There being no further questions from Council, Mayor Rubin opened the floor for public comment at 6:42 p.m. There were no comments from the public, and therefore, public input was closed at 6:43 p.m. Mayor Rubin called for a motion.

Motion: Council Member Haselton moved to approve Resolution 2022-R-15 approving the Lakeview Subdivision Phases 2 and 3 with the language modifications made to #5 of the Findings of Fact section. Council Member Baier made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Jacobs. None opposed. Motion carried.

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

At 6:45 p.m., Mayor Rubin opened the floor for the public to speak on items not listed on the agenda.

Damian Taitano – Mr. Taitano noted he was a lot owner in Golden Eagle and stated he received plan check corrections in July and had yet to hear back from the Town. He asked who the appropriate Staff was that he could direct his specific questions to. Ms. McLean addressed Mr. Taitano, stating there were certain conditions which had been met and other conditions which would need to be addressed with the developer. Mayor Rubin asked Ms. McLean and Director of Engineering and Public Works Timm Dixon to follow up with Mr. Taitano and address his questions directly.

Council Member Baier noted that, although she understood the urgency of addressing the issues in Golden Eagle, having direct conversations with each lot owner took valuable time away from other business matters, and urged lot owners to be patient and understand the Town was working as quickly as possible.

Mayor Rubin stated Staff needed to be sensitive to the fact that the owners may not know the details and complexities of the code requirements and should provide more clarification when addressing the specific requirements.

There being no further comments, Mayor Rubin closed public input at 7:06 p.m. and moved to the agenda items.

VI. Agenda Items

1. Presentation of financials for fiscal year ending 6/30/2022

Katie Shepley reviewed the financials of Fiscal Year (FY)22 and compared them to FY21. As a summary:

- **Property taxes:** positive \$188,000 due to property taxes, sales, and municipal energy taxes, and the increased number of residents.
- **Licenses and Permits:** positive \$187,000 due to the higher project and subdivision fees. However, some building permit fees were lower as there were one-hundred two (102) building permits issued in FY22 as opposed to one-hundred forty three (143) issued in FY21. Grant money was received from the American Rescue Plan Act (ARPA) due to the lower building permit revenues.
- **Administrative Expenses:** higher by \$55,000 due to increased salaries and benefits for Staff as well as hiring additional employees in FY22.
- **Professional Services:** higher by \$173,000 due to building inspections, planning, and plan reviews.
- **Public Safety:** higher by \$56,000 due to the inability to utilize public COVID funds.

Overall, the Town was negative approximately \$68,000 from FY21 because of increased salaries, increased street expenses, and the engineering associated with the increased number of building permits issued in FY21.

Mayor Rubin asked how the deficit compared to the tentative budget which was presented in May, 2022. Ms. Shepley explained some adjustments would be needed and would make them for the FY23 budget.

Ms. Shepley reviewed the Water Fund. She noted an overall deficit of approximately \$500,000 and explained there were salary and wages, write-offs of unbillable reservation fees, higher service expenses and higher depreciation which contributed to the deficit. Mayor Rubin asked if the year could be closed showing the deficit in the Water Fund. Ms. Shepley explained the Water Fund had different requirements than the General Fund and could be closed with a deficit.

Council Member Severini asked what measures would need to be done in FY23 to ensure there was not an additional deficit. Ms. Shepley reiterated the deficit was largely due to unbillable

1 write-offs, and stand-by fees and water reservation fees which were not charged in FY22. She
2 noted those would not affect FY23. Council Member Severini asked if the deficit would result
3 in increased water rates. Ms. Shepley stated there was a slight increase in the water rate but did
4 not anticipate a rate increase for residents. She stated she would present the financials on a
5 quarterly basis to Council and provide a forecast for the following three quarters to anticipate
6 any future opportunities and risks.

7 Mayor Rubin thanked Ms. Shepley for all the work she had done with the Town's financials.
8 Town Administrator Jan McCosh noted Ms. Shepley was a resident of Hideout and had over
9 forty (40) years of experience in finance and accounting and had worked as a Chief Financial
10 Officer in a global corporation. She was also currently serving on the Town's Budget
11 Committee.

12 **2. Discussion regarding nightly rentals in the Town of Hideout**

13 Ms. McLean explained there were several subdivisions that did not fall under the Master
14 Homeowner's Association (HOA) which could potentially allow nightly rentals. It had been
15 discussed on several occasions if the Town should allow nightly rentals and if so, a clear
16 Ordinance should be adopted regarding how the homes should be managed. Mr. Eddington
17 stated the reason for this discussion was due to a developer who brought forth a concept plan to
18 the Planning Commission which included smaller, cottage-type housing along the west side of
19 Jordanelle Parkway. The developer proposed the subdivision be allowed nightly rentals, with
20 several affordable housing units incorporated into the subdivision. The developer also proposed
21 some commercial development as well as a community center with a pool, et cetera. Mr.
22 Eddington explained the Planning Commission concluded it was worthy of a discussion for
23 Council to consider. He further noted the results of the planning survey sent to residents in June
24 2022 indicated residents were not in favor of nightly rentals, however; because this subdivision
25 was outside of where the majority of the community resided, it could serve as a prototype area
26 for consideration for other areas of Hideout. He further mentioned if Council did not approve
27 the nightly rentals, the developer would follow through with the thirty-six (36) townhouses
28 which were previously approved.

29 Ms. McCosh stated the Economic Development Committee had done some research on nightly
30 rentals and found the taxes could be quite lucrative for the Town. She mentioned there was a
31 new financial product which used a similar concept as a Public Improvement District (PID) for
32 a tourism district and the findings were that nightly rentals could outperform hotels. She
33 suggested considering how the Town could effectively maximize the benefit to the Town
34 without destroying community character.

35 Council Member Baier noted the proposed area fell within the Military Installation
36 Development Authority (MIDA) and asked how that would impact the Town's revenue. Ms.
37 McCosh stated the developer was willing to amend the Interlocal Agreement with MIDA in
38 order to provide more revenue to the Town. Mayor Rubin reminded Council that previous
39 discussions concluded nightly rentals would be considered on a case-by-case basis and, if
40 allowed, should be on the periphery of the Town.

41 Council Member Baier stated she was open to the idea but would like to see more affordable
42 housing within the Town. Mr. Eddington suggested five percent (5%) of the homes could be
43 designated as affordable housing, although there was no requirement for the developer to

1 comply. He stated there were some units located above the small commercial development pad
2 area which could be designated as affordable housing. It was also suggested those units be
3 available for on-site property managers for the clubhouse and nightly rentals.

4 Ms. McCosh mentioned an initiative in the legislature to incentivize affordable housing by
5 creating a quicker process through the Town's approval system.

6 Mayor Rubin suggested creating an Ordinance which would clarify that nightly rentals would
7 be considered on a case-by-case basis. Mr. Eddington also suggested creating an overlay district
8 which would include a set of specific conditions; for example, geographical area, house size, et
9 cetera, which could be examined and considered when a request for nightly rentals was made.
10 Mayor Rubin asked Mr. Eddington to create separate and distinct criteria and present them in a
11 future meeting. Council Member Baier asked for future transit to be taken into consideration
12 when creating the criteria.

13 Ms. McLean noted Assistant Town Attorney Cameron Platt was present at the meeting and
14 therefore, asked to be excused.

15 **3. Consideration of adopting Ordinance 2022-O-XX amending Title 8, Chapter 4**
16 **"Obstructions of Public Streets and Property"**

17 Mayor Rubin reminded Council this Ordinance had been previously discussed, however; the
18 language in the Ordinance was not as concise as it should have been. Mr. Platt had reviewed
19 the Ordinance and modified it to be more clear.

20 Mayor Rubin stated a letter was submitted by a resident who indicated his driveway was at such
21 an angle that gutter ramps were needed in order to protect his vehicle from damage. Mayor
22 Rubin understood the desire for residents to smooth out the drop from the driveway to the road
23 with the installation of gutter ramps, but noted the Town could be liable for damage to the gutter
24 ramp, or the homeowner could be liable for damage to the snowplow blades in the event the
25 gutter ramps were hit during snow removal.

26 Council Member Baier inquired if a compromise could be made to require a pole or flag to be
27 installed to indicate to the driver of the snowplow that there was a gutter ramp at that property.
28 Council Member Haselton asked if the snowplow driver could possibly lift the blade of the
29 snowplow when a gutter ramp was present. Director of Public Works Daniel Allen stated it was
30 a safety issue for the snowplow drivers and noted it would not be possible to plow the snow
31 from curb to curb if the gutter ramps were in place. Council Member Baier agreed the road
32 widths were fundamentally narrow so not plowing from curb to curb would be problematic.

33 Several possible solutions were discussed, which included issuing a permit allowing certain
34 homeowners who require the gutter ramps, removing the ramps within a certain timeframe
35 during and after snowfall, and prohibiting the ramps completely between October through April.

36 *David Sherwood* – Mr. Sherwood stated the roads in his subdivision were plowed by a private
37 company contracted by the HOA and he had worked with the company during the previous two
38 years to allow and work around the gutter ramps on his property. Mayor Rubin acknowledged
39 Mr. Sherwood's rebuttal that the roads in his development were the responsibility of the HOA,
40 however; the roads would eventually be accepted by the Town and maintenance would become
41 the Town's responsibility. Mayor Rubin was open to the option of allowing the subdivision's

HOA to maintain the roads. He detailed the additional responsibilities the HOA would be liable for should the roads be privately owned by the HOA.

Discussion regarding Mr. Sherwood's specific driveway and vehicles ensued.

Mayor Rubin gave Council the option to continue the decision to a future meeting in order to offer additional solutions. Although Council Member Baier was sympathetic to Mr. Sherwood's steep driveway slope, she expressed concern regarding waiting until the December Council Meeting and having additional snow in the forecast, which would pose a safety issue to the Public Works drivers.

Council Member Haselton inquired if the Ordinance was specific to gutter ramps, or if all obstructions were included. Mayor Rubin explained the Ordinance included all obstructions during the winter months.

Council Member Severini offered two corrections to the Ordinance:

- Section 8.04.030: add language to give examples of types of obstructions; "(for example, but not limited to: bridges or ramps)"
- Section 8.04.020(B): the code language needed to coordinate with the winter parking town signage of October 31 through April 15

Discussion regarding the current zoning standards for driveway slopes ensued.

There being no further discussion or questions from Council, Mayor Rubin asked for a motion to adopt Ordinance 2022-O-07 with the amendments to the language mentioned above.

Motion: Council Member Baier moved to adopt Ordinance 2022-0-07 with the amendments in Sections 8.04.030 and 8.04.020(B) as noted. Council Member Haselton made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Jacobs. None opposed. Motion carried.

Council Member Severini wanted to review and evaluate future zoning changes to ensure future developers understood the consequences of allowing driveways of over ten percent (10%) grade. Mayor Rubin asked Mr. Eddington to review those changes.

Mayor Rubin asked Mr. Dixon and Mr. Allen to inform specific homeowners who had the gutter ramps installed of the new Ordinance. A notice would be included in the newsletter which was emailed to residents and made available publicly on the website and Town app. Council Member Severini asked to include an explanation of how carefully the Council considered the language and why the Ordinance was ultimately approved.

VII. Committee Updates

1. Planning Commission - Jonathan Gunn

Planning Commissioner Jonathan Gunn presented upcoming agenda topics for the Planning Commission, which included the potential Creekside Annexation, potential Benloch Annexation, and voting on a recommendation to Council for Deer Springs Phase 3 subdivision.

2. Community Engagement Committee - Sheri

Council Member Jacobs was excused from the meeting, so no update was made.

3. Parks, Open Space and Trails (POST) Committee - Chris

Council Member Baier provided an update regarding a meeting which was held on October 20. She stated Ms. McCosh was working with Don Taylor to ensure Hideout's trail plans were incorporated into the regional master plan. Ms. McCosh was also working on potential grant opportunities, specifically a grant to cover engineering costs to evaluate the spine trail along HWY248. This would provide a ten-foot (10') wide, paved trail for various users.

There was a previous discussion regarding hunting within Jordanelle State Park. The Committee was awaiting additional information from Ms. McLean in order to educate the community on hunting regulations. The suggestion was to create a map to specify the distance from homes in which hunting was permitted.

The Ross Creek State Park entrance was closed for winter construction. There would be access to the perimeter trail which would be groomed for cross-country skiing through Hailstone or another Park entrance.

The Keetley memorial signs currently located along the Park trail were discussed. The signs may be redesigned to be more ADA compliant and the possibility of moving them to a commemoration site with a Japanese garden within the Town was suggested.

4. Transportation Committee - Carol

Council Member Haselton had a conversation with Park City Transit and discussed the upcoming bus schedule. Although the schedule had not been finalized, arrangements had been made to run a bus from the Richardson Flat parking area beginning on December 11. The bus would run every twenty (20) minutes starting at 6:00 a.m. through 11:00 p.m. The bus would make one stop at Park City High School, then go from Bonanza Drive to the Old Town Transit Center where passengers will transfer to a different bus. She noted this was a temporary, trial route through the ski season, and if there were not enough users, it may not continue in the future.

5. Hideout Design Review Committee (DRC) - Thomas

Mr. Eddington stated the DRC was working through some design submittals from Deer Springs Phases 2 and 2A as well as some of the Lakeview single-family units.

VIII. Approval of Council Minutes

1. April 14, 2022 Town Council Meeting Minutes DRAFT

Mayor Rubin noted on page 2 line 5, clarification was needed to state that *"...the State had chosen to relax that requirement for structures less than ten thousand (10,000) square feet."*

Council Member Haselton noted on page 2 line 21, the line should read *"...limited common area..."*.

2. May 12, 2022 Town Council Meeting Minutes DRAFT

Council Member Haselton made a correction on page 3 line 12 which should read *“could be deposited in the dumpster.”*

There was a correction on Page 3 line 19 to replace the word *“spends”* with *“spending”*.

An addition to page 6 line 17 to read: *“...to the previous code when they were approved.”*

3. June 09, 2022 Town Council Meeting Minutes DRAFT

A clarification was made to page 5 line 13 to read: *“He reminded residents that a survey was sent to Hideout residents regarding the future development of Hideout...”*

A correction to page 5 line 14 to read: *“... 250 responses were received as of the date of this meeting.”*

4. July 14, 2022 Town Council Meeting Minutes DRAFT

A correction to page 3 line 32 to read: *“... clarification would be made in the Ordinance so as not to contradict itself.”*

There being no further corrections, Mayor Rubin asked for a motion to approve all sets of minutes with the noted corrections.

Motion: Council Member Nadelberg moved to approve the April 14, 2022, May 12, 2022, June 9, 2022, and July 14, 2022 sets of minutes with the amendments mentioned. Council Member Baier made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Jacobs. None opposed. Motion carried.

IX. Follow Up of Items Related to Council Minutes

Council Member Severini inquired about the additional dumpsters mentioned in the May 12 minutes as it related to the construction debris. Mayor Rubin stated the Public Works Staff patrolled the Town twice per day to ensure debris was placed in the dumpsters from construction sites. He noted the builders should be encouraged to call for dumpster removal when the dumpsters are near full to prevent spillage.

Council Member Severini inquired if a report had been compiled regarding the water usage as noted in the June 9 minutes. Mayor Rubin stated an analysis was being made and he would report to Council once it was complete.

Council Member Haselton inquired if the emergency training videos were distributed. Mr. Platt stated those videos would be sent.

Council Member Haselton asked if there was a follow up made to the residents in violation of the weed abatement Ordinance. Mr. Platt stated only seven (7) owners were in violation, to which the Town sent a contractor to their properties to spray the noxious weeds. Reimbursement would be sought from the land or homeowners for that service.

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

There was no need for a closed executive session.

XI. Meeting Adjournment

There being no further business, Mayor Rubin asked for a motion to close the meeting.

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

The meeting adjourned at 9:22 p.m.

Alicia Fairbourne, Recorder for Hideout

Council Members

Chris Baier
Carol Haselton
Sheri Jacobs
Bob Nadelberg
Ralph Severini

Letter to Lot Owners in Golden Eagle

February 3, 2023

Dear Lot Owner:

As you may be aware, on January 13, 2023, Fourth District Court Judge Mabey issued an oral ruling on Mustang Development, LLC's Motion to Enforce and for Sanctions against the Town of Hideout. In doing so, the Court denied Mustang's motion. The written order memorializing the ruling has not yet been entered by the Court, but once that Order is entered the Town will put it on our website.

As relevant to the Town's issuance of building permits in the Golden Eagle Subdivision, the Court made several findings of which you should be aware. These include: (1) when the Court issued her prior order after the hearing in July 2022, the Court did not order Hideout to issue building permits; (2) the Town's letters to building permit applicants sent after that order explaining what conditions still needed to be met to before the Town could issue building permits (the Letters) complied with the Court's prior order and were tailored to each application; and (3) conditions listed in the Letters Hideout sent after that order listing reasons why building permits could not yet be issued are not pretextual and include conditions that need to be met before building permits could issue.

This letter is provided to update you on progress made to date to satisfy the conditions that once met, will result in the Town issuing building permits to permit applicants. Please note that each lot was evaluated on a case-by-case basis in reviewing the applications, and each Letter identified conditions specific to that application. The following addresses *all* conditions that were identified in the Letters. Therefore, as noted below, some of these conditions may or may not apply to your particular application or Lot.

1. **Submittal Requirements.** Please see your Letter for submittal requirements for your particular building permit application which may be outstanding. Please note that these requirements are the responsibility of the lot owner, not Mustang. If your Letter included submittal requirements and you have made progress on those requirements, please let the Town know so that we can update your application.
2. **Fire Access Road. (NOT YET COMPLETE).** Timm Dixon, Director of Engineering, inspected and photographed Golden Eagle Road on February 3, 2023. As of that date, and as illustrated by the photographs attached, the road does not have an all-weather surface as required by the Fire District. In fact, and as illustrated by the included photographs,

recent weather events and intermittent plowing of the road appear to have further disrupted the surface such that access by heavy fire apparatus could be impaired under varying conditions. Additionally, there has been no improvement to the road's shoulders at the main entry, shoulders which are incomplete, have open trenches and are failing.

3. **Fire Flows. (NEARLY COMPLETE).** As of February 1, 2023, the pump station has been completed and power has been connected to the station. The pump station and the water system were approved by the Division of Drinking Water on January 31, 2023. Now that the water system is complete, we are proceeding with pressure tests of all lines affecting lots requesting permits. (These pressure tests will be assessed on a lot-by-lot basis so that if a line fails, that failure won't impact lots that are not on that particular line.) The Town is hoping to complete these tests next week.
4. **Fire Turn Arounds. (OUTLAW ROAD NOT YET COMPLETE; OTHER AREAS COMPLETE).** As of February 3, 2023, turn arounds at the end of Outlaw Road appear to still be under construction. (See attached photo.) For all lots not on those roads, this condition has been completed.
5. **Shoulders. (AREAS COMPLETE – GOLDEN EAGLE CIRCLE; AREAS NOT COMPLETE – OTHER INTERIOR ROADS).** As of February 3, 2023, the evidence shows that the shoulders were not installed before the snow came as witnessed in the pictures attached. Mr. Dixon inspected all roads in Phase 1 of the Golden Eagle Subdivision. The shoulders on Golden Eagle Circle are complete.
6. **Storm Drain Plan. (NEARLY COMPLETE).** Late in the afternoon on Wednesday, February 1, 2023, Mustang provided the Town with a Storm Drain Plan. The Town is currently reviewing that Plan to verify that the Plan meets applicable standards and there are no adverse impacts to Town infrastructure or lots downstream (e.g., offsite flows or to the lots requesting permits) and will promptly provide written feedback to Mustang if necessary.
7. **Improvement Completion Assurance for Infrastructure Improvements (NOT YET COMPLETE).** As of February 3, 2023, Mustang has not submitted an engineer's cost estimate to finish public infrastructure that is essential or required to meet building code, fire code, and flood or storm water management provisions, street and access requirements. However, once infrastructure is accepted by the Town, there is no need for a completion assurance for that portion of the infrastructure. As of February 3, 2023, no infrastructure has been presented to Hideout for acceptance and no engineer's estimate, or assurance has been provided to Hideout. As discussed above in #3, progress is being made toward Town acceptance of the water system.

Because some of the conditions described above have not been completed, under Former Hideout Municipal Code 7.03.101 and current Hideout Code 8.06.010 and 9.07 (Insufficient

Infrastructure for Proposed Development) and Utah Code Section 10-9a-802, Hideout remains unable to issue building permits in response to the applications it has received at this time. However, the Town is working diligently to review recently submitted items as they come and will continue to do so. Also, as stated above, the parties are working to resolve the outstanding conditions, and we hope to have better news in the next short while.

When we have further updates, we will let you know. Again, if your Letter included submittal requirements and you have made progress on those requirements, please let us know so that we can update your application.

We look forward to being able to issue you a building permit and having you be able to move forward with the building of your home in Hideout.

RESOLUTION #2023-R-01**A RESOLUTION APPOINTING THE TREASURER
FOR THE TOWN OF HIDEOUT, UTAH**

WHEREAS, a Treasurer being required by State Statute and necessary to the effective functioning of the Town's affairs; and

WHEREAS, it has become necessary to appoint a new Treasurer for Hideout to perform such duties as required by the Town Council and State code; and

WHEREAS, after review and consideration, the Mayor desires, upon advice and consent of the Council, to appoint Jake McHargue as the Treasurer for the Town of Hideout, Utah, and it is the desire of the Council to consent to said appointment.

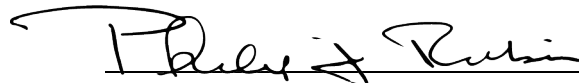
NOW, THEREFORE, BE IT RESOLVED by the Town Council of Hideout, Utah:

1. That the Mayor hereby appoints Jake McHargue as the Treasurer for the Town of Hideout.
2. That the Council hereby consents to said appointment.

WHEREFORE, this Resolution shall take effect and be in force beginning January 29, 2023.

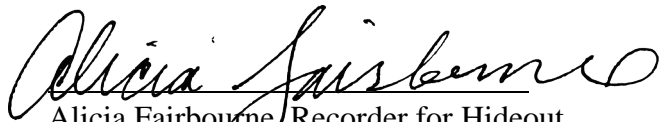
ADOPTED and PASSED by the Hideout Town Council and approved by the Mayor of Hideout, Utah, this 9th day of February, 2023.

TOWN OF HIDEOUT


Philip Rubin, Mayor

Attest:




Alicia Fairbourne, Recorder for Hideout



Staff Report for Overlook Village (Lots 38 and 39) Subdivision Amendment

To: Mayor Philip Rubin
Hideout Town Council

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

Re: Overlook Village (Hideout Canyon) – Lots 38 and 39

Date: February 5, 2023

Request for Extension to Record the Approved Subdivision Plat for Overlook Village (Lots 38 and 39)

Background

The amendment to the Overlook Subdivision (Hideout Canyon) for Lots 38 and 39 received Final Subdivision Approval on September 8, 2022. The Hideout Town Code allows the Applicant six (6) months to get the final approved subdivision recorded with Wasatch County. The Code also includes a clause that states that: “The Town Council may grant a one-time extension to the recording of the Final Plat not exceeding six (6) months; provided, that the Developer submits the request for extension prior to expiration of the Final Plat and satisfies any new Town requirements pertaining to the public health, safety and welfare.”

The Applicant has requested an extension to finalize some revisions on the plat as required by the Town Planner and Town Engineer – including revisions to the adjacent driveway (Lot 34) illustrated on this plat that was amended prior to this application and is incorrect, plat notes, etc. Once these changes are made and approved by the Town staff, the plat will be signed and the Applicant will get the subdivision recorded with Wasatch County.

The Resolution approved by the Town Council is attached and all findings of fact, conclusions of law, and conditions of approval remain unchanged.

Recommendation

Staff recommends the Town Council review the request for an extension and grant a six-month extension (to September 8, 2023) to ensure the Applicant has enough time to address the required revisions to the plat and have it recorded with the Wasatch County Recorder’s office. It is also recommended that the Town Council make note of two typos in the Resolution (#1 and #2 in the Findings of Fact) – where it reads ‘Soaring Hawk,’ it should be corrected to read ‘Hideout Canyon.’

Resolution 2022-R-12

A RESOLUTION APPROVING A SUBDIVISION AMENDMENT FOR LOTS 38 & 39 IN THE HIDEOUT CANYON AMENDED PHASE 1 POD 9 SUBDIVISION LOCATED IN HIDEOUT, UTAH

WHEREAS, owners of the property known as Lots 38 and 39 in The Hideout Canyon Amended Phase 1 Pod 9 Subdivision Plat, located in Hideout, Utah, have petitioned the Town Council for approval of a subdivision amendment; and

WHEREAS, legal notice of the public hearing was published on the Town of Hideout's website on August 8, 2022 for the Planning Commission meeting and August 22, 2022 for the Town Council meeting according to the requirements of the Hideout Municipal Code; and

WHEREAS, the Planning Commission held a public hearing on August 18, 2022 to receive input on the proposed subdivision amendment for a lot combination and forwarded a positive recommendation to the Town Council; and

WHEREAS, on September 8, 2022 the Town Council held a public hearing on the subdivision amendment; and

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

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

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

Findings of Fact

1. Soaring Hawk, Phase 2, was recorded on February 6, 2008.
2. Soaring Hawk, Phase 2, was comprised of four (4) lots – Lots 36 – 39.
3. The property is located within the Town of Hideout along SR248, the west side about midway through Town.
4. Zoning for the property is RSPA – Resort Specially Planned Area.
5. The new driveway (limited common area) will provide for access to Lots 38 and 39 with the ingress/egress to Longview Road moved slightly to the south.
6. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on March 11, 2010.
7. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.
8. No changes are proposed to the existing road alignment or uses associated with this plat.

Conclusions of Law

1. The subdivision amendment, as conditioned, complies with Hideout Municipal Code.
2. The subdivision amendment as conditioned, is consistent with the applicable State law

regarding subdivision plats.

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

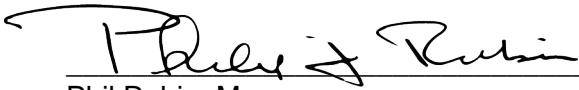
Conditions of Approval

1. The Town Attorney, Town Planner and Town Engineer will review and approve the final form and content of the subdivision amendment for compliance with State law, the Hideout Municipal Code, the Master Development Agreement and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision amendment at Wasatch County within six (6) months from the date of Town Council approval. If recordation has not occurred within six (6) months' time, this approval for the plat will be void unless a written request for an extension is submitted to the Town prior to the expiration date and the Town Council grants an extension.
3. Non-exclusive public utility easements shall be indicated on the plats prior to recordation as approved by the Town Engineer and consistent with the utility plan, including drainage easements.
4. The Applicant must adhere to all requirements of the Master HOA, including Design Review Committee (DRC) requirements.
5. The slope on the driveway cannot exceed 12% in any location.
6. The single retaining wall will not exceed 4'-0" in height and shall be constructed of natural stacked stone.
7. The easement for the trail/walkway must not be disturbed, impacted, or altered in any way and Lots 38 and 39 shall ensure that it can be constructed as originally envisioned.
8. The final plat (mylar) is subject to review may require additional notes and corrections.
9. The exact language of the plat notes shall be finalized by the Town Attorney, Town Planner and Town Engineer as necessary to implement these conditions of approval and applicable provisions of the Hideout Municipal Code or State Code prior to Mylar signatures by the Town.
10. The HOA must sign the plat as an owner since the change is being made to common area.


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

PASSED AND ADOPTED this 8th day of September, 2022

TOWN OF HIDEOUT


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Recorder for the Town of Hideout



Exhibit

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



HIDEOUT CANYON PHASE 1 2ND AMENDMENT, POD 9 RESIDENTIAL PLAT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, WASATCH COUNTY, UTAH

SYMBOL LEGEND	
	DEED LINE
	SURVEY BOUNDARY
	EASEMENT
	LIMITED COMMON AREA
	PRIVATE AREA
	OLD DRIVEWAY (TO BE ABANDONED)
	COMMON SPACE

BOUNDARY DESCRIPTION

OVERALL BOUNDARY:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS AND 986.89 FEET WEST AND 21.18 FEET NORTH FROM SAID NORTHEAST CORNER OF SECTION 20 (BASIS OF BEARINGS IS SOUTH 00°06'03" EAST 2597.65 FEET MEASURED BETWEEN THE NORTHEAST CORNER AND THE EAST QUARTER CORNER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN); THENCE SOUTH 82°13'20" WEST 155.99 FEET; THENCE NORTH 02°56'02" WEST 303.44 FEET; THENCE NORTH 14°17'14" EAST 1004.0 FEET; THENCE SOUTH 76°01'08" EAST 114.85 FEET; THENCE SOUTH 11°17'49" WEST 11.54 FEET TO A POINT ON A 525.00 FOOT RADIUS CURVE TO THE LEFT, THENCE SOUTHERLY ALONG SAID ARC 247.01 FEET THROUGH A CENTRAL ANGLE OF 26°57'26" (CHORD BEARS SOUTH 02°10'54" EAST 244.74 FEET); THENCE SOUTH 15°39'37" EAST 99.30 FEET TO THE POINT OF BEGINNING.

CONTAINS 48.680 SQUARE FEET OR 1.118 ACRES.

SURVEYOR'S CERTIFICATE

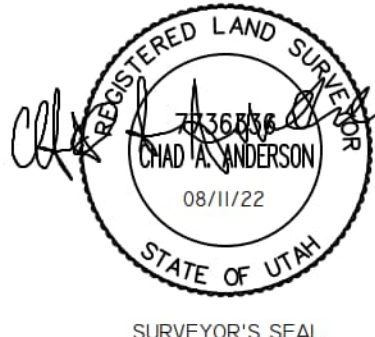
IN ACCORDANCE WITH SECTION 10-9A-603 OF THE UTAH CODE, I, CHAD A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7736336 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

CHAD ANDERSON
PROFESSIONAL LAND SURVEYOR

08/11/22

DATE



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT (WE) THE UNDERSIGNED OWNER(S) OF THE TRACT(S) OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREAFTER KNOWN AS HIDEOUT CANYON PHASE 1 2ND AMENDMENT, POD 9 RESIDENTIAL PLAT, DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20____.

EDWIN GEORGE JORDAN _____ PRINTED NAME _____ DATE _____

SARAH ELIZABETH KAY JORDAN _____ PRINTED NAME _____ DATE _____

HIDEOUT HIDEAWAY 2, LLC, A LIMITED LIABILITY COMPANY _____ PRINTED NAME AND TITLE _____ DATE _____

E-SWAM 1763 LLC, A UTAH LIMITED LIABILITY COMPANY _____ PRINTED NAME AND TITLE _____ DATE _____

ENGINEERING

SIGNATURE _____ DATE _____

PLANNING COMMISSION

SIGNATURE _____ DATE _____

ADMINISTRATIVE BODY

COUNTY MANAGER _____ DATE _____

ATTEST: CLERK _____ DATE _____

ATTORNEY

SIGNATURE _____ DATE _____

PLANNING

SIGNATURE _____ DATE _____

FIRE

SIGNATURE _____ DATE _____

HEALTH DEPARTMENT

SIGNATURE _____ DATE _____

TIMBER LAKES SPECIAL SERVICE DISTRICT

SIGNATURE _____ DATE _____

SHERIFF

SIGNATURE _____ DATE _____

PUBLIC WORKS

SIGNATURE _____ DATE _____

WEED BOARD

SIGNATURE _____ DATE _____

WASATCH COUNTY SOLID WASTE

SIGNATURE _____ DATE _____

RECORDER

ACKNOWLEDGEMENT

STATE OF _____ } S.S.
COUNTY OF _____ }

ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____, IN SAID STATE OF _____, EDWIN GEORGE JORDAN, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME HE EXECUTED THE SAME.

NOTARY PUBLIC

ACKNOWLEDGEMENT

STATE OF _____ } S.S.
COUNTY OF _____ }

ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____, IN SAID STATE OF _____, SARAH ELIZABETH KAY JORDAN, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME SHE EXECUTED THE SAME.

NOTARY PUBLIC

ACKNOWLEDGEMENT

STATE OF _____ } S.S.
COUNTY OF _____ }

On the date first above written personally appeared before me _____, who, being by me duly sworn, says that he is the Manager of E-SWAM 1763 LLC, A UTAH LIMITED LIABILITY COMPANY, a Limited Liability Company, and that the within and foregoing instrument was signed on behalf of said company by authority of its Articles of Organization, and said _____ acknowledged to me that said company executed the same.

NOTARY PUBLIC

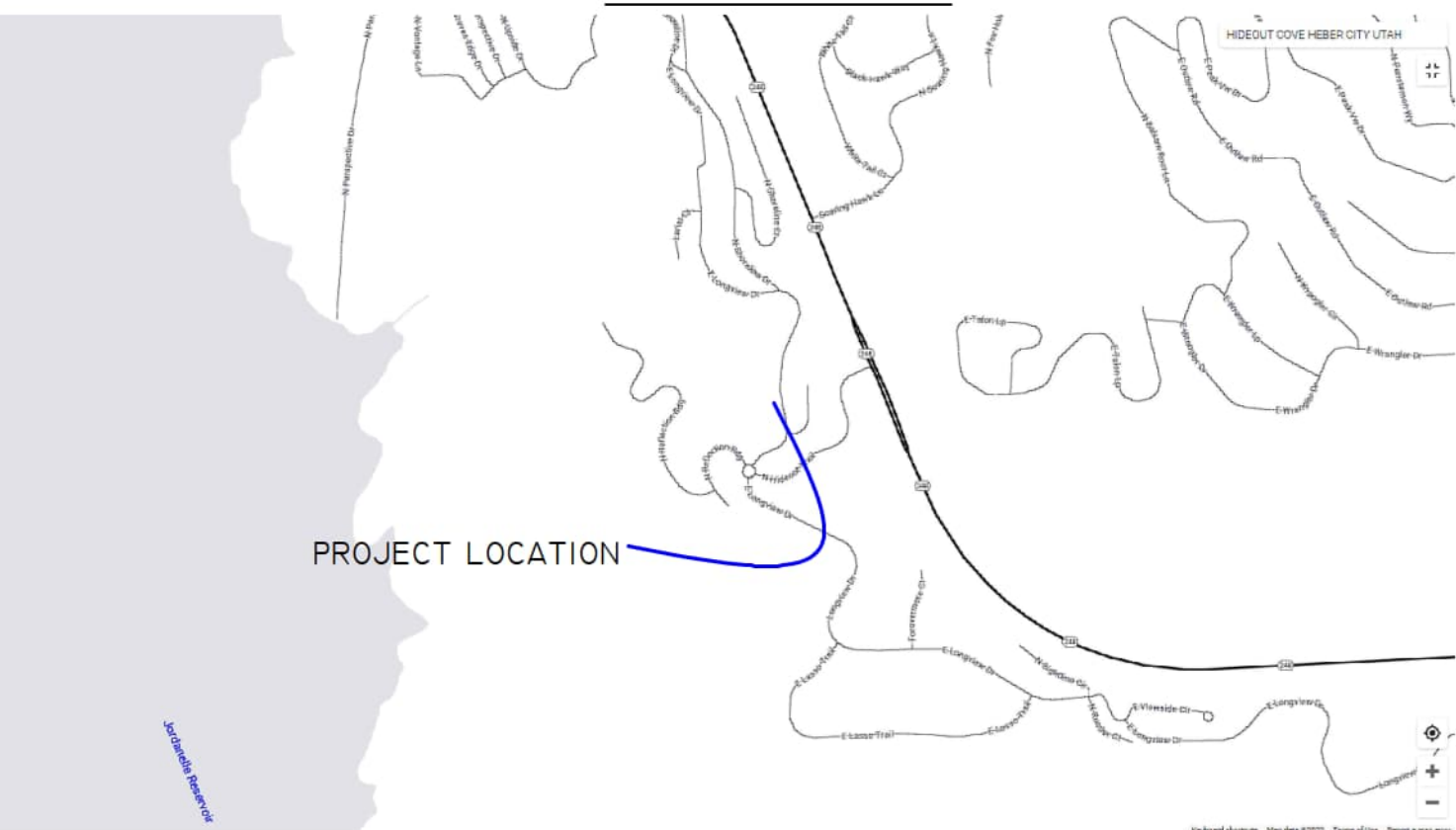
ACKNOWLEDGEMENT

STATE OF _____ } S.S.
COUNTY OF _____ }

On the date first above written personally appeared before me _____, who, being by me duly sworn, says that he is the Manager of E-SWAM 1763 LLC, A UTAH LIMITED LIABILITY COMPANY, a Limited Liability Company, and that the within and foregoing instrument was signed on behalf of said company by authority of its Articles of Organization, and said _____ acknowledged to me that said company executed the same.

NOTARY PUBLIC

VICINITY MAP



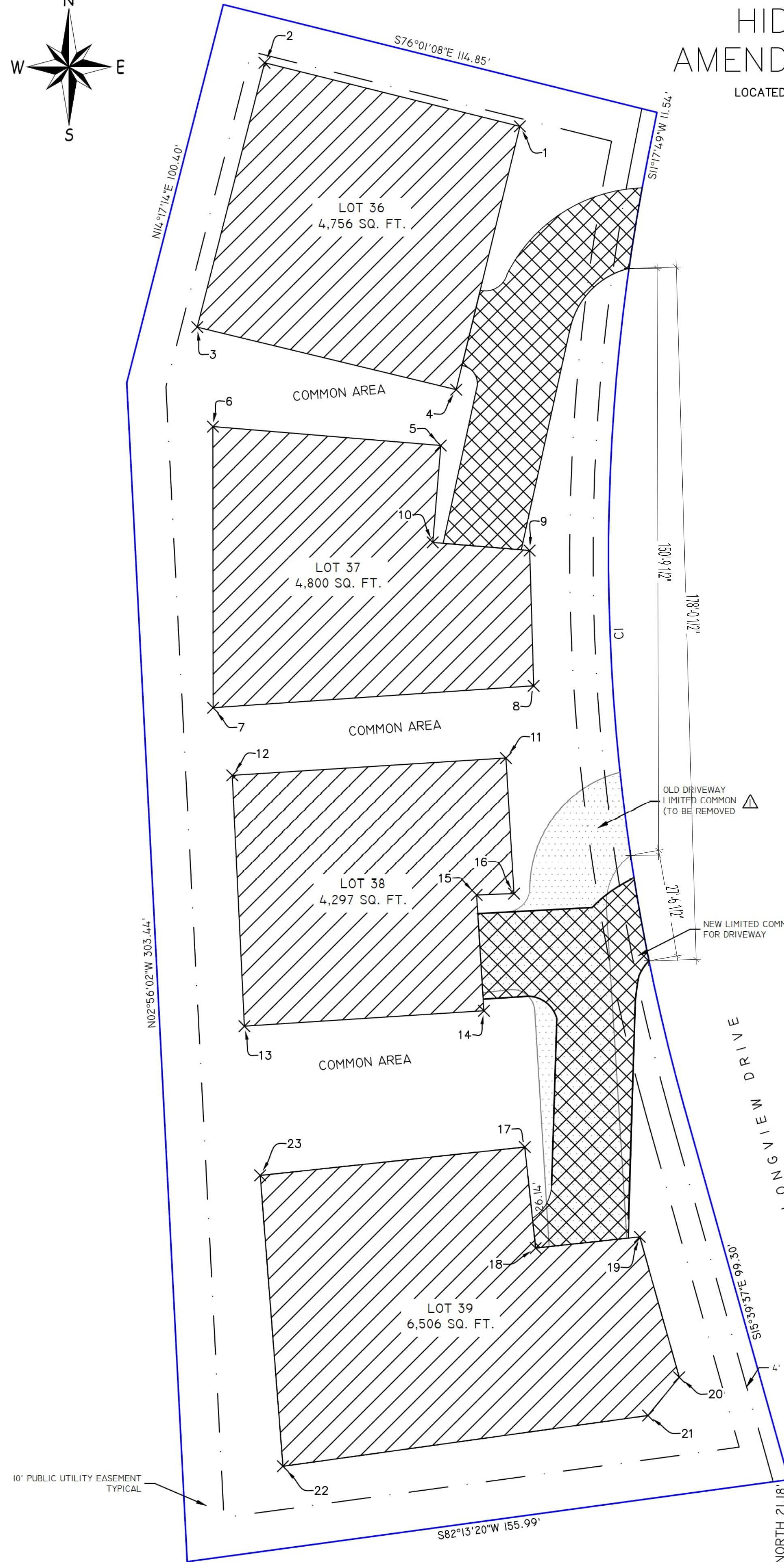
CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIR.	CHORD LENGTH
CI	247.01	525.00	026°57'27"	S02°10'54"E	244.74

Point Table		
Point #	Northing	Easting
1	10369.0700	8944.0300
2	10385.4100	8878.4300
3	10317.4400	8861.1200
4	10301.3500	8927.6500
5	10286.9800	8923.7000
6	10291.8600	8865.1500
7	10219.5500	8865.2100
8	10225.1900	8947.5600
9	10259.9900	8946.5400
10	10262.0700	8921.6300
11	10206.6233	8940.4263
12	10202.1696	8870.1150
13	10137.7994	8873.2477
14	10141.7660	8934.7874
15	10171.5503	8932.9078
16	10171.8982	8942.5147
17	10106.7200	8945.2800
18	10080.7300	8948.0800
19	10083.6100	8974.8400
20	10047.5100	8984.9600
21	10037.6700	8976.9400
22	10024.6200	8883.1400
23	10099.4100	8877.3000

ADDRESS TABLE	
UNIT	ADDRESS
36	904 E. LONGVIEW DRIVE
37	910 E. LONGVIEW DRIVE
38	916 E. LONGVIEW DRIVE
39	926 E. LONGVIEW DRIVE

PLAT AMENDMENT CHANGES

- REMOVE LIMITED COMMON
- NEW LIMITED COMMON



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

NORTHEAST CORNER
SECTION 20, T2S, R5E, SLB8M
FOUND MONUMENT (BRASS CAP)
NORTHING = 10000.00
EASTING = 10000.00

WEST 986.89'

S00°06'03"E 2597.65'
(RECORD OF SURVEY #1309)
BASIS OF BEARING

EAST QUARTER CORNER
SECTION 20, T2S, R5E, SLB8M
FOUND MONUMENT (BRASS CAP)
NORTHING = 7402.35
EASTING = 10004.57

From: Redacted
To: [Alicia Fairbourne](#); Redacted
Subject: Caution: External
Date: Thursday, January 26, 2023 1:18:11 PM

Hi Alicia,

We are requesting a 1-time approval extension for Phase 4 Klaim Plat recording on the Feb 9th 2023 Town Council Mtg.

In combination of working through the variance for the monotony clause, holidays, and in an overall full demand load at Klaim and working with all of our partners we could use another 45-60 days to complete the criteria items included on the resolution.

Thank you for your consideration,
Chris

--

Chris Ensign
Redacted
Solstice Development



Staff Report for KLAIM (Phase 4) Subdivision Approval

To: Mayor Philip Rubin
Hideout Town Council

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

Re: KLAIM – Phase 4 Subdivision

Date: February 5, 2023

Request for Extension to Record the Approved Subdivision Plat for KLAIM (Phase 4)

Background

The KLAIM (Phase 4) subdivision received Final Subdivision Approval on August 11, 2022. The Hideout Town Code allows the Applicant six (6) months to get the final approved subdivision recorded with Wasatch County. The Code also includes a clause that states that: “The Town Council may grant a one-time extension to the recording of the Final Plat not exceeding six (6) months; provided, that the Developer submits the request for extension prior to expiration of the Final Plat and satisfies any new Town requirements pertaining to the public health, safety and welfare.”

The Applicant has requested an extension as they have been busy finalizing on site work on Phase 3 and to finalize some revisions on the plat as required by the Town Planner and Town Engineer per the resolution. Once these changes are made and approved by the Town staff, the plat will be signed and the Applicant will get the subdivision recorded with Wasatch County.

The Resolution approved by the Town Council is attached and all findings of fact, conclusions of law, and conditions of approval remain unchanged.

Recommendation

Staff recommends the Town Council review the request for an extension and grant a six-month extension (to August 11, 2023) to ensure the Applicant has enough time to address the required revisions to the plat and have it recorded with the Wasatch County Recorder’s office.

Resolution 2022-R-11**AN RESOLUTION APPROVING THE KLAIM PHASE 4 SUBDIVISION
LOCATED IN HIDEOUT, UTAH**

WHEREAS, owners of the property known as KLAIM Phase 4 Subdivision, located in Hideout, Utah, have petitioned the Town Council for approval of a final subdivision plat; and

WHEREAS, legal notice of the public hearing was published on the Town of Hideout's website on June 2, 2022 and August 1, 2022 according to the requirements of the Hideout Municipal Code; and

WHEREAS, the Planning Commission held a public hearing on June 16, 2022 to receive input on the proposed subdivision plat; and

WHEREAS, the Planning Commission, on June 16th conducted a public hearing and forwarded a positive recommendation to the Town Council; and

WHEREAS, on August 11th, 2022 the Town Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Hideout, Utah to approve the KLAIM Phase 4 Phase Subdivision plat in that this subdivision plat is intended to comply with the Hideout Municipal Code, the 2019 Master Development Agreement (MDA), and the Technical Reports prepared by the Town Staff as well as all other recorded agreements.

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

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

Findings of Fact

1. The Phase 4 plat, as currently presented, is the fourth of four total phases for the overall KLAIM subdivision that received Final Subdivision approval on December 14, 2017.
2. That approval should have been for Preliminary Subdivision approval since no formal subdivision was presented, only an overall site plan was presented and approved by the Town Council on December 14, 2017.
3. The Town Attorney, recommends this phase be reviewed and approved by the Planning Commission and Town Council for Final Subdivision approval.
4. The property is located within the Town of Hideout along SR248, the east side about midway through Town.
5. For all KLAIM phases, as proposed, the total plat area is approximately 58.95 acres. 42.73 acres will be preserved open space. 16.22 acres will be developed.
6. The total number of units permitted for all phases of KLAIM is 88 units (or attached lots).
7. For Phase 4, the total number of units (attached lots) is 22.
8. Zoning for the property is Mountain (M) – Residential.
9. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on June 27, 2019. The MDA has an allowance for up to 88 units.

10. No changes are proposed to the existing road alignment or uses associated with this plat.
11. Each Phase of KLAIM 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 2019 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, Town Planner 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. 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.
4. The Applicant shall provide a complete set of updated construction plans, and address all engineering and planning comments prior to approval.
5. The Applicant agrees to complete the subdivision construction permit, pay all required fees and post all required bonds before starting construction.
6. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.
7. 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 Resolution 2022-R-11.
 - b. 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.
 - c. All approved public trails, consistent with the Master Development Agreement and the Parks Open Space & Trails (POST) Plan, shall be shown on the plats or include a note indicating that 'all trails are open to the public and all trails can be

- located on any common area or open space area or within the dedicated public utility easement per review and approval by the Town Planner and Town Engineer.'
- d. All trails must be maintained by the HOA.
 - e. 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.
 - f. A fire protection and emergency access plan shall be submitted and approved by the Wasatch County Fire District and Emergency Management Services (EMS) prior to the issuance of any building permits.
 - g. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
 - h. 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.
8. The Applicant agreed to meet the current Town Code requirements (26'-0" of asphalt plus curb and gutter) for road construction; and a paved bike lane shall be incorporated into all new streets per Town code.
 9. The Applicant will work with the Town Planner and Town Engineer to incorporate an appropriate amount of visitor parking throughout each Phase of the proposed subdivision.
 10. The construction plan set should be updated to include all 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.
 11. Per the Planning Commission's recommendations, the Applicant shall ensure a variety of architectural designs (primarily color variation where applicable) for the remaining phases of the project to meet the intent of the Town's monotony clause (10.08.06). The Applicant shall also work with the Town Planner to ensure color variation for various buildings and phases of the project. With almost half the project complete, the Applicant will not be able to meet the requirements of the monotony clause and will have to request a variance from the Town's Administrative Law Judge.
 12. Snow storage areas must be delineated on the plats.
 13. The secondary road access must be completed prior to the final Certificate of Occupancy issuance for the final fifteen (15) units/lots of Phase 4 of KLAİM. This road must have four-season access.
 14. Trails: Proposed trails (and surface type) to be designed and submitted for approval by the Town Planner. This submittal shall include all outdoor recreational amenities. Trails and associated outdoor recreational amenities shall be completed as part of Phase 4 and prior to Certificates of Occupancy issued for the final fifteen units/lots of Phase 4 by Town Hall.
 15. Streetscape amenities; lighting, signage, etc. shall be provided – construction details, sign type (if proposed), and materials/colors.
 16. A final Site Plan with the overall street network, trail network, location of structures, etc. must be submitted prior to recordation of the Phase 4 plat.
 17. A Landscape Plan shall be provided for all of phases prior to commencement of any construction (and prior to issuance of any Building Permits). 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.

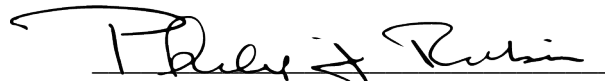
18. The dedicated soil repository located to the north of the KLAIM subdivision shall meet the following conditions prior to issuance of any building permits for Phase 4 (unless noted otherwise below):
 - a. A SWPP Plan shall be submitted for Phase 4. This shall include protective measures for the creek located to the north of the repository site.
 - b. A site plan illustrating the existing soil repository to date and the proposed, or final, size and location upon completion of the final phase of the KLAIM subdivision.
 - c. No slopes shall exceed a 1:1 grade.
 - d. No structures shall be located on or near the soil repository.
 - e. A cross section of the soil repository (east-west and north-south) with dimensions and slopes of existing and final proposed repository shall be submitted to the Town Planner and Town Engineer.
 - f. A final proposed landscape plan shall be submitted for review and approval by the Town Planner prior to issuance of any Certificate of Occupancy for Phase 4. This plan shall include all plantings and erosion control measures for the soil repository and shall ensure the site is planted with native vegetation to ensure it is integrated into the surrounding landscape – aesthetically it must blend in with the local landscape.
 - g. A soils analysis shall be submitted prior to issuance of any Certificate of Occupancy for Phase 4.
19. The Applicant shall submit a Construction Mitigation Plan (CMP) that will be approved by the Town Planner and Town Engineer.
20. A subdivision construction permit, improvement agreement, and all fees and bonds will be required prior to any construction.
21. The final plat (mylar) is subject to review may require additional notes and corrections.
22. Recording of the subdivision will require a performance bond in accordance with current Town code, or formal acceptance of all improvements prior to recordation.
23. 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.
24. All exterior lighting within the KLAIM project, all phases, must be 'dark skies' compliant – meet the requirements of the International Dark Skies Association – and adhere to future Dark Skies Ordinance language as adopted by the Town of Hideout.
25. The 2019 Master Development Agreement (MDA), Addendum No. 1, section 4, shall be amended to clearly state that all trails on the KLAIM HOA property shall be maintained by the HOA, not the Town.
26. The 43 acres of undeveloped land within the KLAIM subdivision shall remain undisturbed – no grubbing, grading, removal of existing vegetation. This shall be noted on the final plat.
27. On or before the date when this Phase 4 plat is recorded, Developer will be required to dedicate to the Town or to JSSD, as applicable, all water rights, water shares, or other water credits required by the applicable ordinances, regulations, or rules of the Town or JSSD in force as of the date of the recordation of such plat.
28. Developer shall provide to the Town written confirmation from JSSD that water provided is adequate for the number of units.
29. Developer shall provide to the Town in writing from JSSD showing proof of payment for water and sewer impact fees.
30. CCRs shall be recorded along with the Mylar.

31. When the Town takes over the roads (accepted by the Town), the developer will help with the costs until that phase is 50% occupied. The Town is only responsible for the phase under construction.
32. The Council encouraged the Developer to look at additional trailhead parking.
33. The elevations must come to the Town's Design Review Committee (DRC) for final review and approval.
34. The Developer shall confirm whether a Conservation Easement is proposed to protect these 42 acres. At minimum, the Plat must indicate that no improvements (other than trails) will take place on these acres. This open space should be noted on the Plat for the final phase.

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

PASSED AND ADOPTED this 11th day of August, 2022

TOWN OF HIDEOUT


Phil Rubin, Mayor

ATTEST:

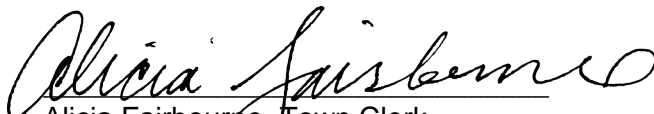
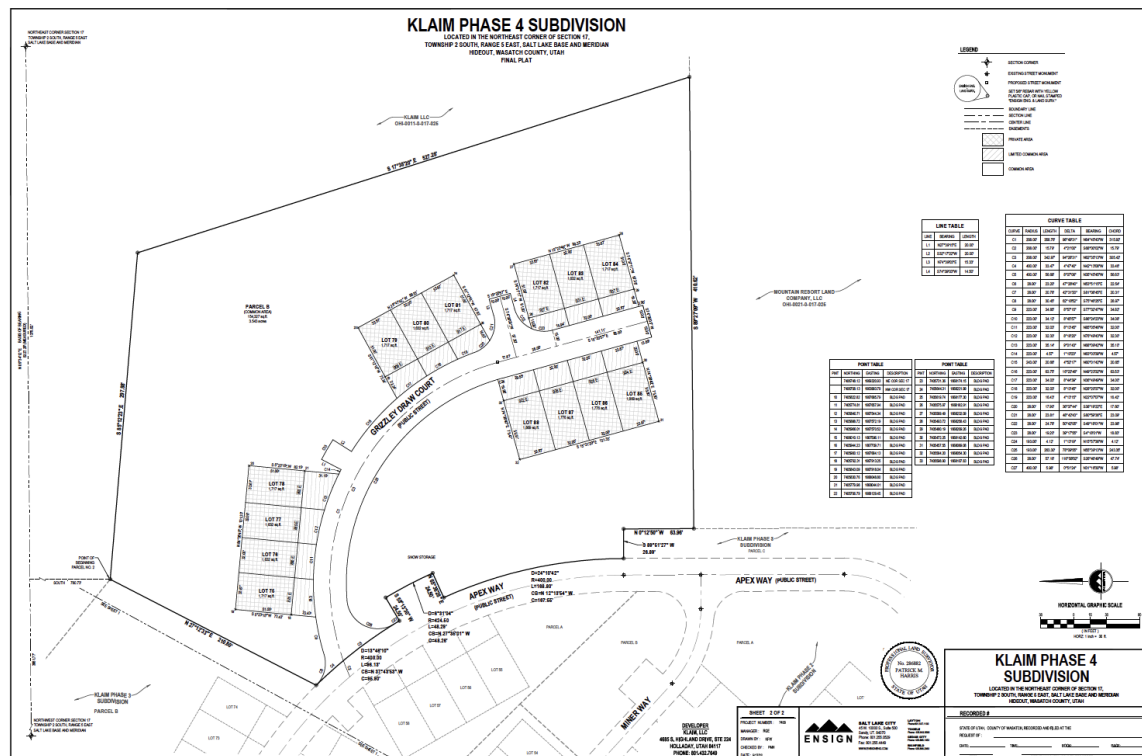
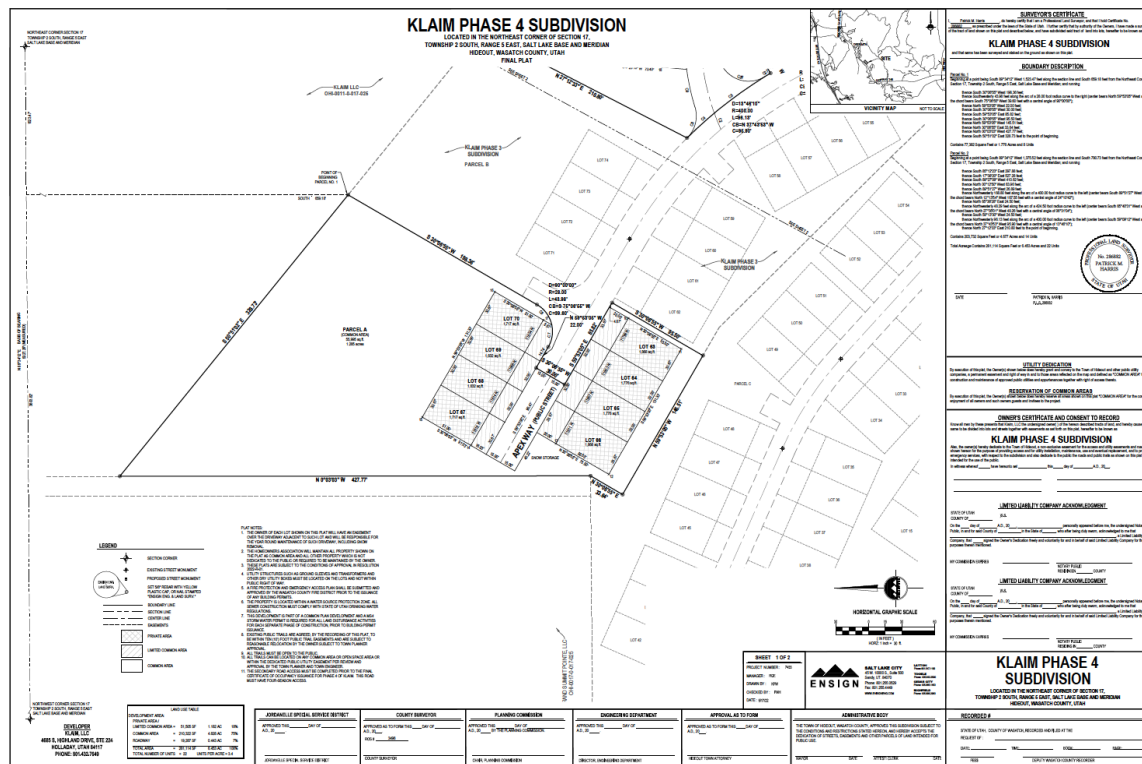

Alicia Fairbourne, Town Clerk



Exhibit
Exhibit A – Proposed Subdivision Plat for KLAIM Phase 4



Department Head Quick Reference Guide

Incident Management Overview

As a department head, your primary responsibility is to support the senior executive in establishing overall incident policy, providing guidance on incident priorities, and ensuring that your organization's resources are appropriately engaged in incident management. The overall incident management structure includes the following levels:

- **Policy Group/Multiagency Coordination Group (MAC Group)**, which comprises your fellow department heads and senior organizational leaders
- **Emergency Operations Center (EOC) director**, who oversees resource and planning support for on-scene personnel and ancillary activities such as sheltering and donations management
- **Department Operations Center (DOC) manager**, who coordinates closely with the EOC and manages and coordinates incident activities specific to a single functional area
- **Public Information Officer (PIO)**, who ensures that the public receives accurate, timely, and consistent information about the incident
- **Incident Commander (IC)**, who directs on-scene incident personnel responsible for saving lives, stabilizing the incident, and protecting property and the environment

Overarching Priorities

- **Life Safety:** Ensure the safety and security of first responders, support personnel, and the general population.
- **Unity of Effort:** Coordinate and prioritize activities across all organizations involved in the response, to achieve common objectives.
- **Incident Stabilization:** Establish leadership to stabilize the incident and reduce future impacts.
- **Protect Property and Environment:** Protect infrastructure assets, systems, and networks, whether physical or virtual.
- **Recovery:** Reestablish services and help the community return to a new normal.

Department Head Essential Responsibilities

- Keep the media and public informed.
- Collaborate with the EOC director and support agencies.
- Request assistance from the EOC director.
- Offer agency resources to assist the incident response.
- Direct the activation of a DOC.
- Initiate Continuity of Operations (COOP) plan as required.

Key Senior Leader Activities & Actions

- Coordinate with other department heads to implement protective actions and ensure the safety and welfare of incident personnel and the community.

Department Head Quick Reference Guide

- **Promote unity of effort** by ensuring that partner organizations are invited to participate in MAC Group, Unified Command, or EOC, as appropriate.
- **Keep stakeholders informed**, including agency personnel, the media, and the public.
- **Provide personnel** in response to incident command, EOC, or DOC requests.
- **Provide direction** based on response priorities from the DOC director or incident command.
- **Communicate departmental actions and information to the PIO/Joint Information Center (JIC)** for dissemination to the public.
- **Execute relevant plans**
- **Obtain situational awareness** across the region to understand the incident's impact (for example, consult with subject matter experts, communicate with partner agencies, and participate in EOC briefings).

Immediate Actions

- Gather information about the event and share it with appropriate contacts.
- Ensure that your department provides appropriate staffing for EOC and DOC.
- Consider immediate life safety actions that may be necessary (such as evacuation or boil water notice) and recommend/implement them.
- Review organizational resource status and notify personnel of organizational priorities.

- Notify appropriate personnel of the incident through established phone trees or notification systems.
- Participate in a MAC Group, if required.
- Coordinate with the PIO/JIC to determine what information to share with the media and anticipate likely questions.
- Work with the PIO/JIC on public messaging and inquire about appropriate platforms for disseminating current information (such as social media, news media, relevant websites, and a phone help line).
- Ensure that key contact information is up to date.

Subsequent Actions

- Discuss ongoing EOC and DOC staffing requirements.
- Ensure that finance personnel know and follow disaster financial requirements.
- Gather and share information on:
 - Status of jurisdictional emergency services (fire, EMS, law enforcement) and critical infrastructure (hospitals, electric companies).
 - Lines of communication with leaders of key agencies, such as EOC director or IC on scene.
 - How weather conditions may impact the response; any actions necessary to circumvent issues.
 - Impacts on the agency's day-to-day activities.

Department Head Quick Reference Guide

Example Public Messaging

- We are aware that an incident has occurred (provide incident details, including time and location).
- At this time, (list agencies that are responding and give the response status). We are gathering additional information and will share it as it becomes available.
- At this time, we ask that the public (list requested action, such as shelter in place or evacuate).
- We will provide the public with up-to-date information via (list local media outlets, Facebook and Twitter accounts, and so on).

- **Emergency Management Director:**
- **Jeremy Hales**
- **(435)-671-6025**