



HIDEOUT, UTAH TOWN COUNCIL SPECIAL MEETING AND CONTINUED PUBLIC HEARING

June 24, 2021

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold a Special Meeting and Continued Public Hearing electronically for the purposes and at the times as described below on Thursday, June 24, 2021.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin's June 7, 2021 No Anchor Site Determination Letter (attached).

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/>

Special Meeting and Public Hearing

6:00 PM

I. Call to Order

- [1.](#) Mayor Rubin's June 7, 2021 No Anchor Site Determination Letter

II. Roll Call

III. Public Input - Floor open for any attendee to speak on items listed below

1. Continued Public Hearing, discussion and possible action on the final approval of Shoreline Phase 2A Amended final plat
- [2.](#) Continued Public Hearing, discussion and possible action on the final approval of Shoreline Phase 3 final plat
- [3.](#) Continued Public Hearing and review of the Fraud Risk Assessment Questionnaire, and discuss ways to improve controls for the Town of Hideout

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

- [1.](#) Public Emails

V. Agenda Items

- [1.](#) Discussion and possible approval of an adjustment for planning fees and water rate increase
- [2.](#) Discussion and consideration of an Ordinance amending Hideout Code Title 6. Chapter 8 Fireworks & Ignition Sources
- [3.](#) Discussion and consideration of an Ordinance providing for municipal restriction of fireworks and ignition sources within all portions of the town of Hideout and adoption of a map of the restricted area
4. Discussion and determination of June 29, 2021 Board of Canvassers Meeting held in-person or via Zoom Conference Call

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

VII. 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 6/23/2021

File Attachments for Item:

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



June 7, 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(5) and Hideout Town Ordinance 2020-03. The facts upon which this determination is based include: The seven-day rolling percent and number of positive COVID-19 cases in Utah has been over 4% of those tested since June 3, 2021. The seven-day average number of positive cases has been, on average, 255 per day since June 7, 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>

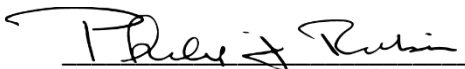
To join by telephone dial: US: +1 408-638-0986

Meeting ID: 4356594739

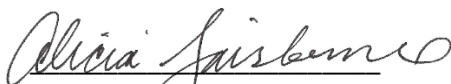
Additionally, comments may be emailed to hideoututah@hideoututah.gov. Emailed comments received prior to the scheduled meeting will be read during the public comment portion and entered into public record.

This determination will expire in 30 days on July 7, 2021.

BY:


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk



File Attachments for Item:

2. Continued Public Hearing, discussion and possible action on the final approval of Shoreline Phase 3 final plat

site shown with 28' outside curb road width





KNIGHTON
ARCHITECTURE

730 S Sleepy Ridge Drive Suite 300 Draper UT 84058
801.820.4460 | info@knightonarchitecture.com

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**NOT FOR
CONSTRUCTION**

**SHORELINE
A / B TWIN**

**SHORELINE PHASE 3
HIDEOUT, UTAH**

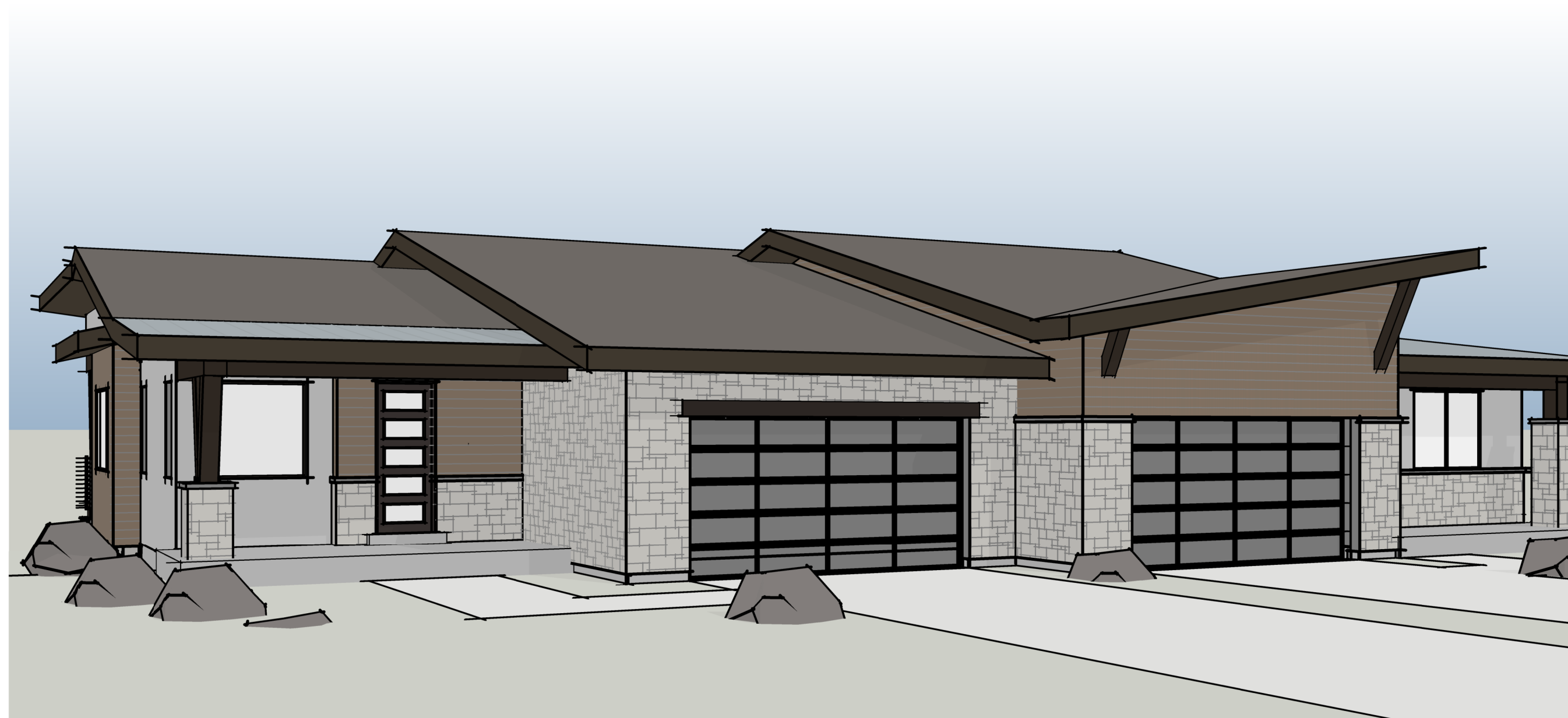
**DESIGN DEVELOPMENT
06.14.2021**

**EXTERIOR
PERSPECTIVES**

A3.3

Plan A/B building type

3D elevations shown with 6' jog and 1' steps in buildings



FRONT/LEFT PERSPECTIVE



FRONT/RIGHT PERSPECTIVE



REAR/LEFT PERSPECTIVE



REAR/RIGHT PERSPECTIVE



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**NOT FOR
CONSTRUCTION**

**SHORELINE
B / B TWIN**

**SHORELINE PHASE 3
HIDEOUT, UTAH**

**DESIGN DEVELOPMENT
06.15.2021**

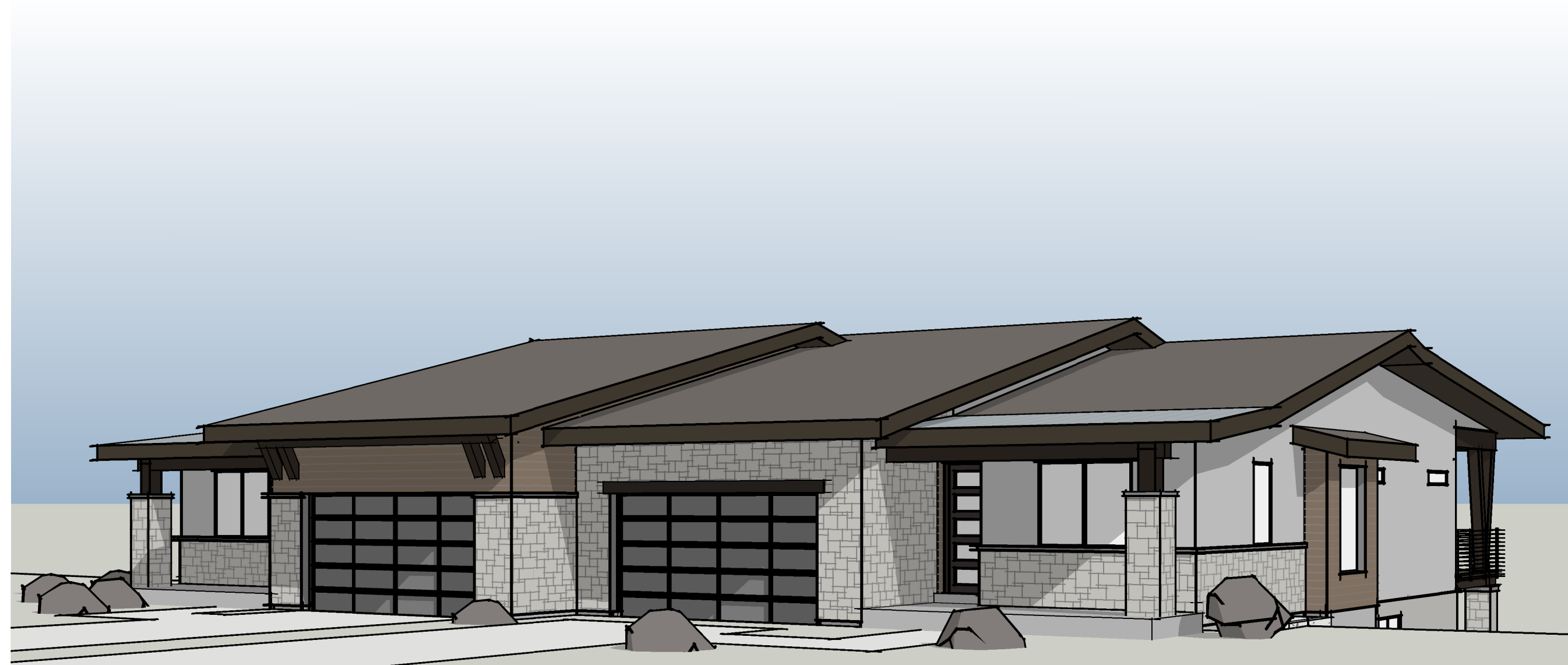
**EXTERIOR
PERSPECTIVES**

A3.0

Plan B/B building type
3D elevations shown with 6' jog and 1' step in building



FRONT/LEFT PERSPECTIVE



FRONT/RIGHT PERSPECTIVE



REAR/LEFT PERSPECTIVE



REAR/RIGHT PERSPECTIVE



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**NOT FOR
CONSTRUCTION**

**SHORELINE
UPHILL
TWIN**

**SHORELINE PHASE 3
HIDEOUT, UTAH**

**SCHEMATIC DESIGN
06.15.2021**

**EXTERIOR
PERSPECTIVES**

A3.0

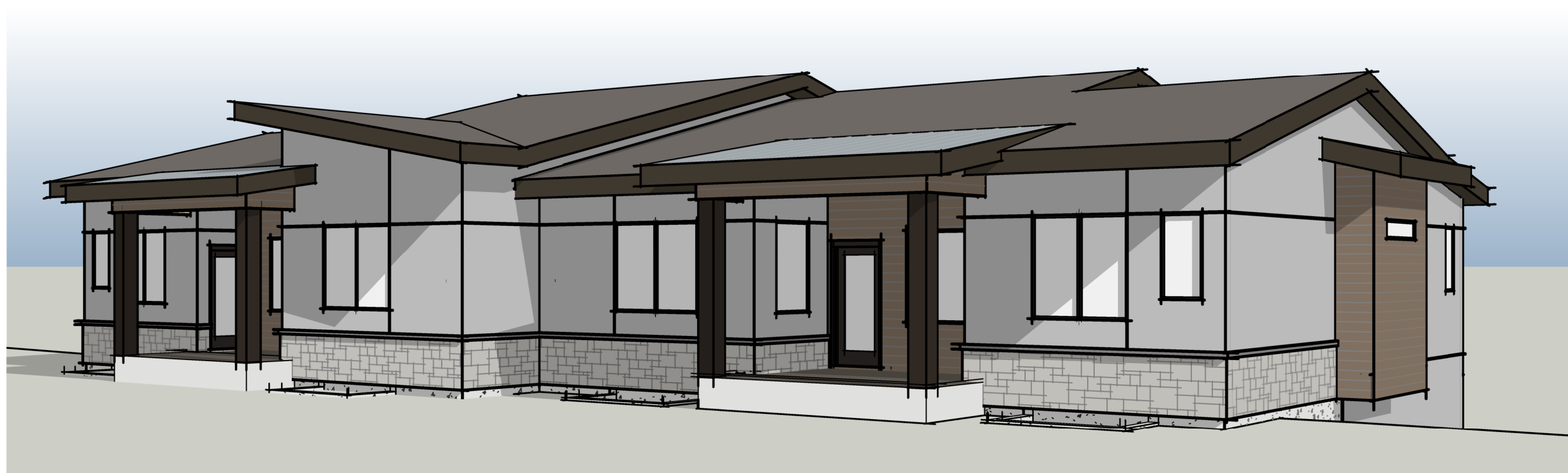
Uphill plan type
Showing 6' jog and 1' step in building



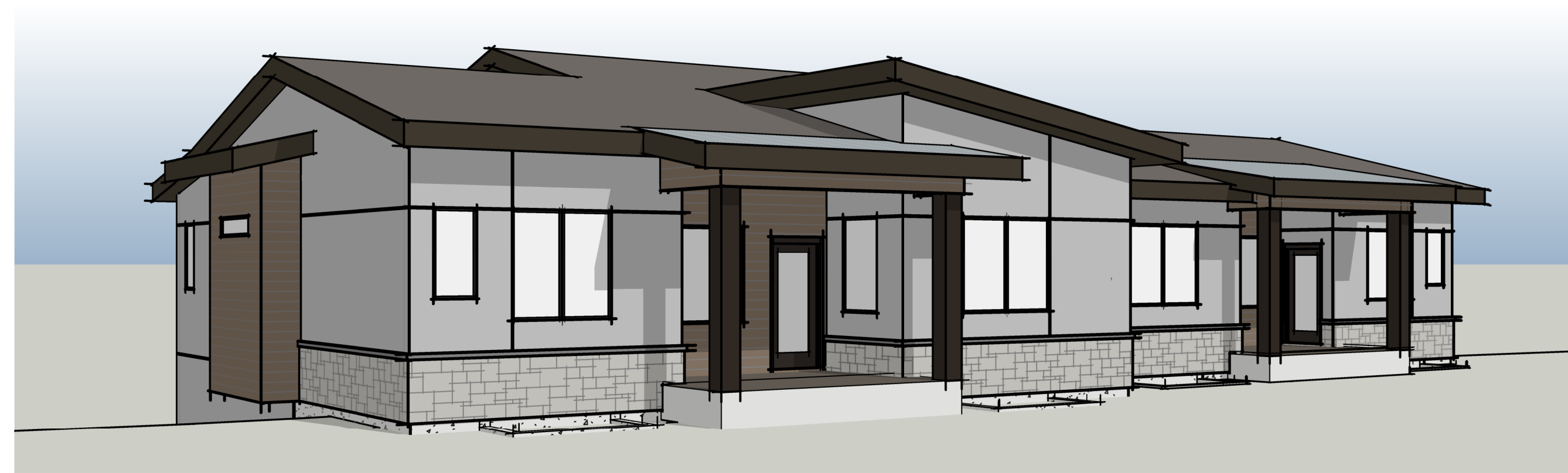
FRONT/LEFT PERSPECTIVE



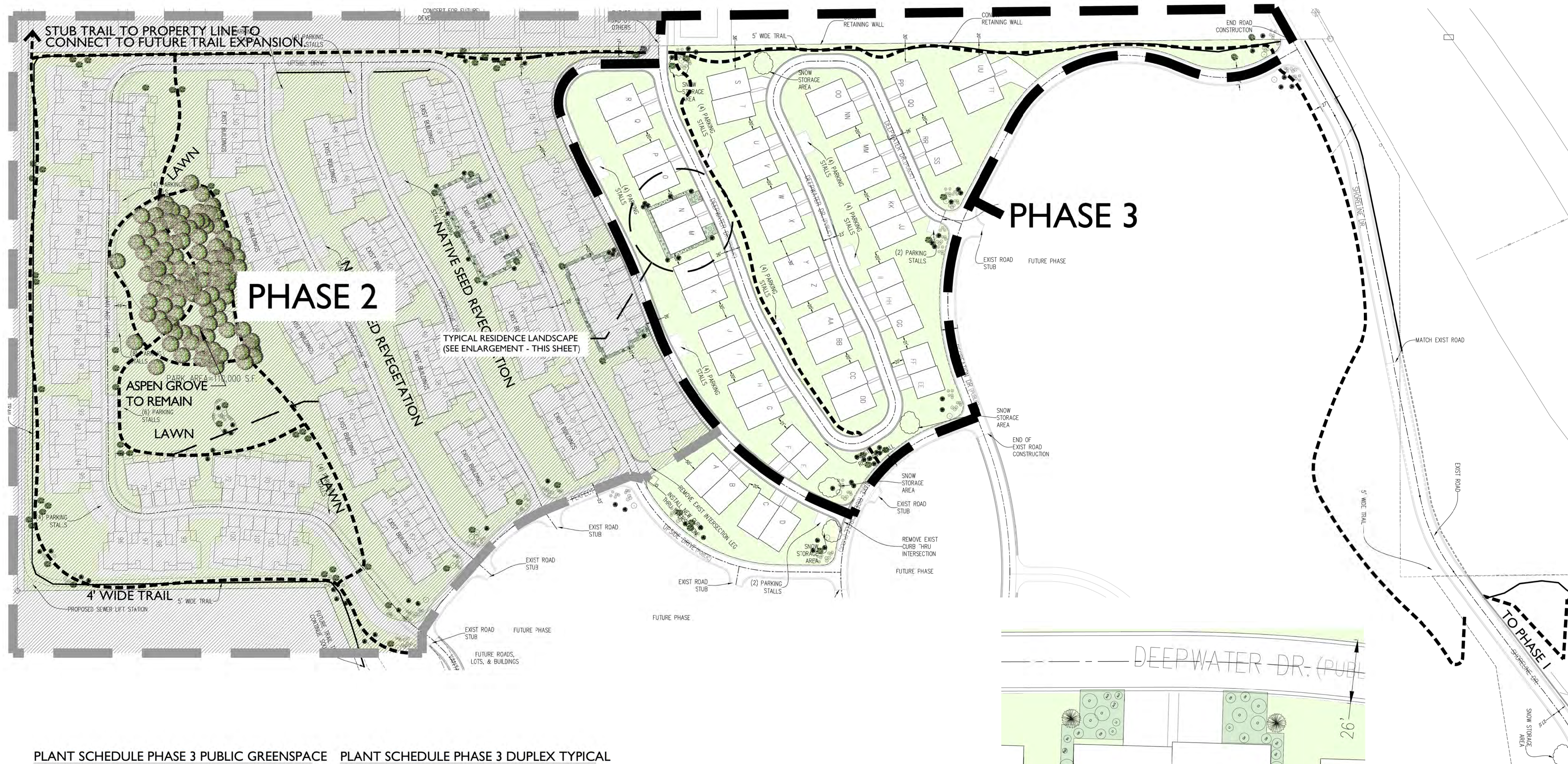
FRONT/RIGHT PERSPECTIVE



REAR/LEFT PERSPECTIVE




REAR/RIGHT PERSPECTIVE

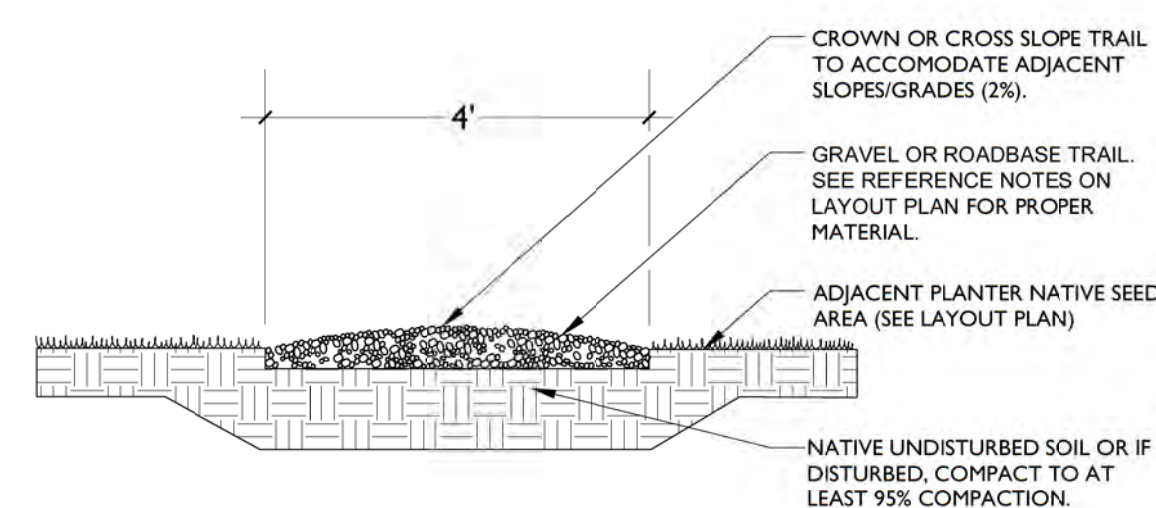


PLANT SCHEDULE PHASE 3 PUBLIC GREENSPACE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	CAULPS	INITIAL HEIGHT
	12	<i>Acer grandidentatum</i>	Bigtooth Maple	B & B	2' Cal	
EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	CAULPS	INITIAL HEIGHT
	34	<i>Abies lasiocarpa</i> 'Glauca Compacta'	Sitka Spruce	B & B		7'-9'
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH
	11	<i>Amandorlus subnana</i>	Little Sweetberry	15 gal		
Ci	4	<i>Cercocarpus occidentalis</i>	Little Leaf Mountain Mahogany	5 gal		
Cn	43	<i>Chrysothamnus nauseosus</i>	Rubber Rabbitbrush	5 gal		
Gv	26	<i>Potentilla fruticosa</i>	Strawberry Currant	5 gal		
So	4	<i>Symphoricarpos oreophilus</i>	Mountain Snowberry	5 gal		
ANNUALS/PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH
Ad2	8	<i>Androsace vulgaris</i> 'Climmer's Red'	Columbine	5 gal		
Li	6	<i>Lupinus</i>	Lupine	5 gal		
Rd2	1	<i>Rhus glabra</i>	Dwarf Sumac	5 gal		
GRASSES	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH
Bc	12	<i>Bromus sp.</i>	Hoargrass	5 gal		
Et	27	<i>Eriogonum fasciculatum</i>	Yucca	5 gal		

PLANT SCHEDULE PHASE 3 DUPLEX TYPICAL

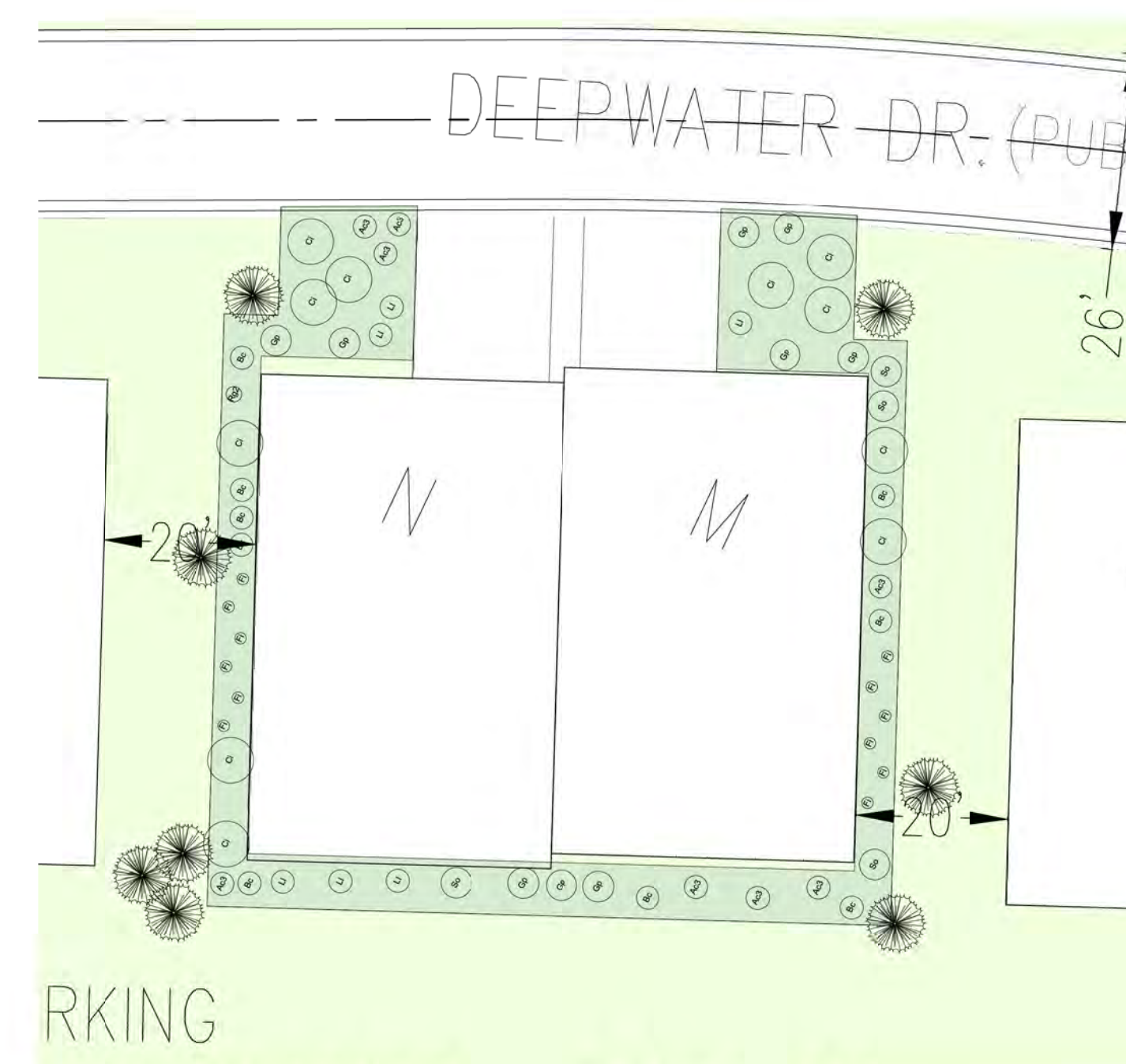
EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	INITIAL HEIGHT
	8	<i>Albizia leucarpa</i>	Glauca Compacta	Subalpine Fr	B & S 7'-9"
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	WIDTH
CI	1	<i>Cercocarpus reticulata</i>	Little Leaf Flourea Mahogany	5 gal	
Gr	9	<i>Pseudea frutescens</i>	Stovibay Caneholod	5 gal	
S6	4	<i>Symphoricarpos oreophilus</i>	Mountain Snowberry	5 gal	
ANNUALS/PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	WIDTH
AJ	8	<i>Aurelia virginica</i>	Clematis Reef	5 gal	
U	6	<i>Lupinus</i>	Lupine	5 gal	
Rgl	1	<i>Rhus glabra</i>	Deerf Sumac	5 gal	
GRASSES	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	WIDTH
B9	9	<i>Bromus sp.</i>	Flourea Bromo	5 gal	
Fi	12	<i>Festuca daltanensis</i>	Maiba Festco	5 gal	



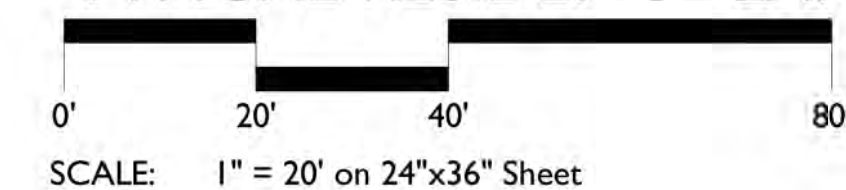
1 GRAVEL/ROADBASE PATH

$$6'' = 1' - 2''$$

P-CO-SHORE2-10



TYPICAL RESIDENCE LANDSCAPE



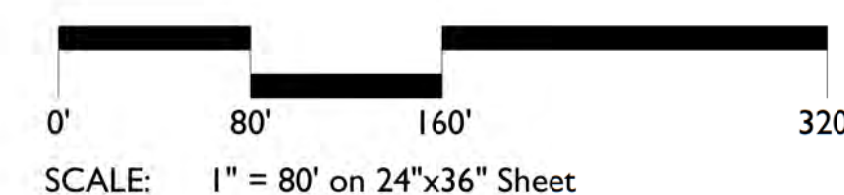
SCALE: 1" = 20' on 24"x36" Sheet

LANDSCAPE PLAN PHASE 3 - SITE CONTEXT



ATTENTION: PRIOR TO PERFORMING ANY WORK ON THIS PLAN CONTRACTOR SHALL IDENTIFY THROUGH BLUESTAKES AND ON-SITE OBSERVATION ANY AND ALL UTILITIES AND HAZARDS OR CONDITIONS THAT MAY PREVENT WORK FROM BEING PERFORMED ACCORDING TO THESE PLANS ABOVE OR BELOW GROUND. IF CONDITIONS ARE FOUND THAT MAY PREVENT WORK FROM BEING PERFORMED AS PER PLAN, CONTRACTOR SHALL CONTACT LANDSCAPE ARCHITECT PRIOR TO PROCEEDING. ANY DAMAGE TO UTILITIES SHALL BE THE CONTRACTOR'S SOLE RESPONSIBILITY (I.E. ELECTRICAL, GAS, WATER, SEWER, ETC.).

ATTENTION: EVERY EFFORT HAS BEEN MADE TO ENSURE ACCURACY WITH THESE DRAWINGS, QUANTITIES (If and st) LISTED ARE FOR REFERENCE ONLY. CONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND QUANTITIES ON THESE PLANS. ARCHITECT SHALL NOT BE RESPONSIBLE FOR DISCREPANCIES BETWEEN QUANTITIES LISTED IN LEGENDS AND PLANS, WHERE DISCREPANCIES EXIST BETWEEN QUANTITIES ON DETAILS AND/OR DRAWINGS, CONTRACTOR SHALL CONTACT LANDSCAPE ARCHITECT PRIOR TO PROCEEDING. CONTRACTOR SHALL INSPECT THE SITE TO VERIFY THAT DRAWINGS ARE CONSISTENT WITH SURVEYED BASE INFORMATION. DURING CONSTRUCTION IF DISCREPANCIES ARE FOUND BETWEEN THESE PLANS AND THE SITE, CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT PRIOR TO PROCEEDING.

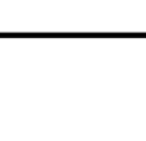
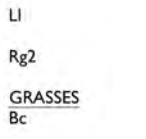
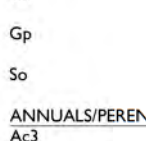
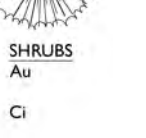


SCALE: 1" = 80' on 24"x36" Sheet

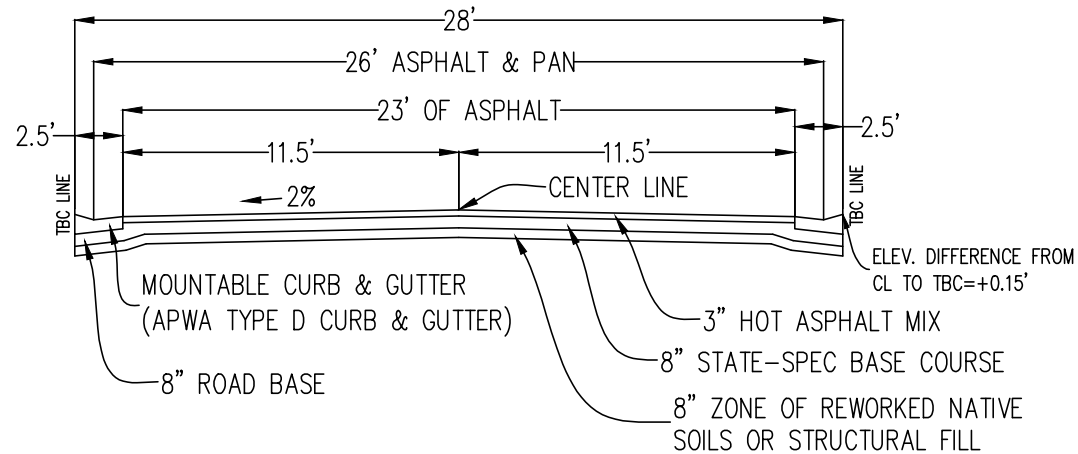


PLANT SCHEDULE PHASE 3 PUBLIC GREENSPACE

QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	CALIPER	INITIAL HEIGHT
12	Acer grandidentatum	Bigtooth Maple	B & B	2" Cal	
QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	CALIPER	INITIAL HEIGHT
34	Abies lasiocarpa 'Glaucia Compacta'	Subalpine Fir	B & B		7'-9'
QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH
7	Amelanchier utahensis	Utah Serviceberry	15 gal		
11	Cercocarpus intricatus	Little Leaf Mountain Mahogany	5 gal		
63	Chrysothamnus nauseosus	Rubber Rabbitbrush	5 gal		
26	Potentilla fruticosa	Shrubby Cinquefoil	5 gal		
4	Symphoricarpos oreophilus	Mountain Snowberry	5 gal		
QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH
8	Aquilegia vulgaris 'Clementine Red'	Columbine	5 gal		
6	Lupinus	Lupine	5 gal		
1	Rhus glabra	Dwarf Sumac	5 gal		
QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH
9	Bromus sp.	Mountain Brome	5 gal		
12	Festuca idahoensis	Idaho Fescue	5 gal		

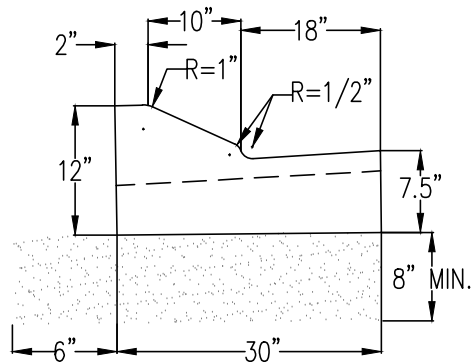


PHASE 3 OPTION 1



28' ROAD CROSS SECTION - PUBLIC STREET

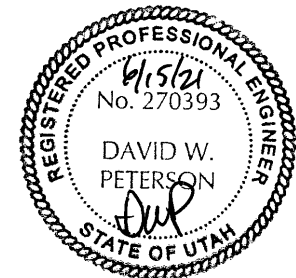
SCALE: NTS



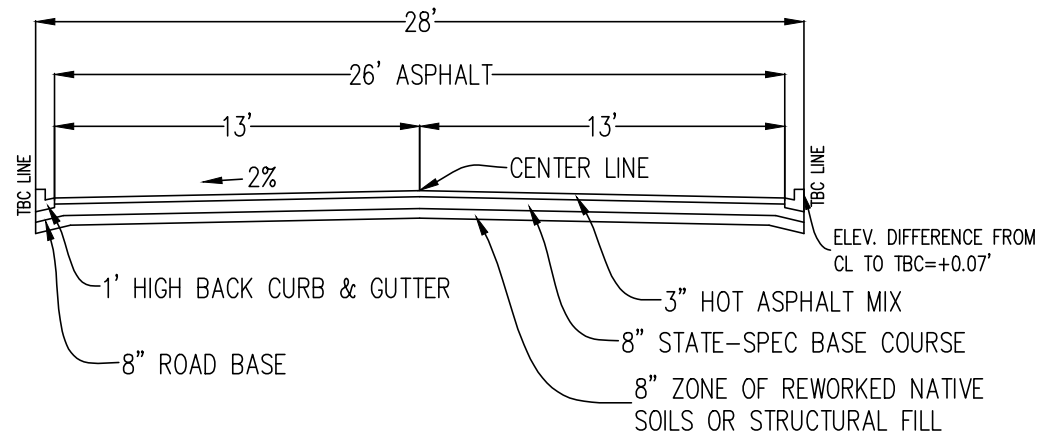
MOUNTABLE CURB & GUTTER

SCALE: NTS

- PREFERRED DESIGN IS CONSISTENT WITH OTHER CURB & ROAD IN HIDEOUT.
- MEETS IFC AND WCFD REQUIREMENTS OF "26' UNOBSTRUCTED ROAD WIDTH".
- 1' WIDER THAN SHORELINE DRIVE.
- STORM DRAIN CALCULATIONS CAN BE MET WITH THIS SECTION.

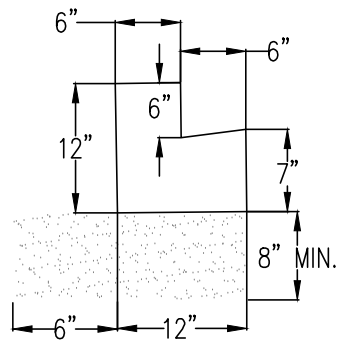


PHASE 3 OPTION 2



28' ROAD CROSS SECTION - PUBLIC STREET

SCALE: NTS



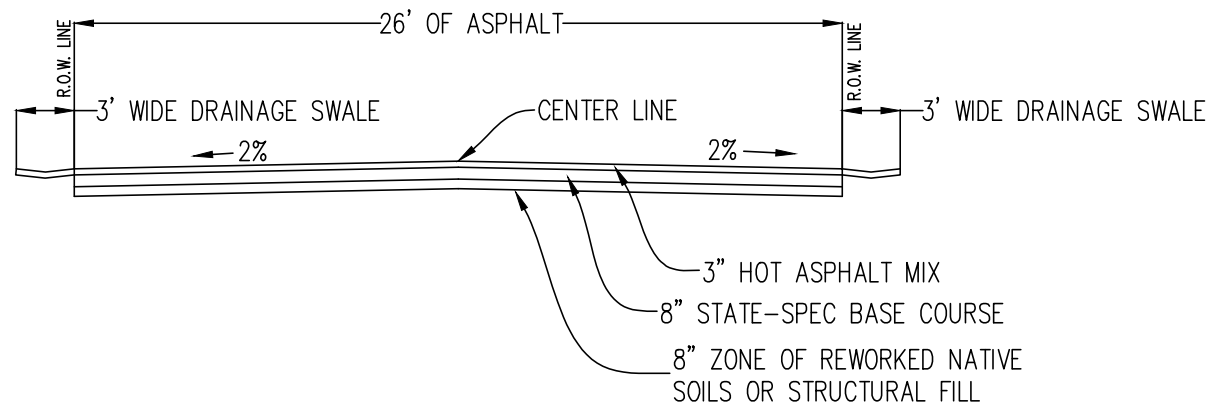
12" HIGH BACK CURB & GUTTER

SCALE: NTS

- 2020 TOWN CODE OF 26' ASPHALT.
- VERTICAL HIGH BACK CURB IS NOT CONSISTENT WITH OTHER CURB & ROAD IN HIDEOUT. CURB WILL NEED TO BE CUT DOWN AT DRIVE.
- MEETS IFC AND WCFL REQUIREMENTS.
- STORM DRAIN CALCULATIONS CAN BE MET WITH THIS SECTION.



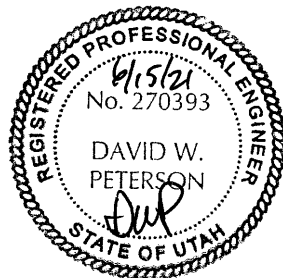
PHASE 3 OPTION 3



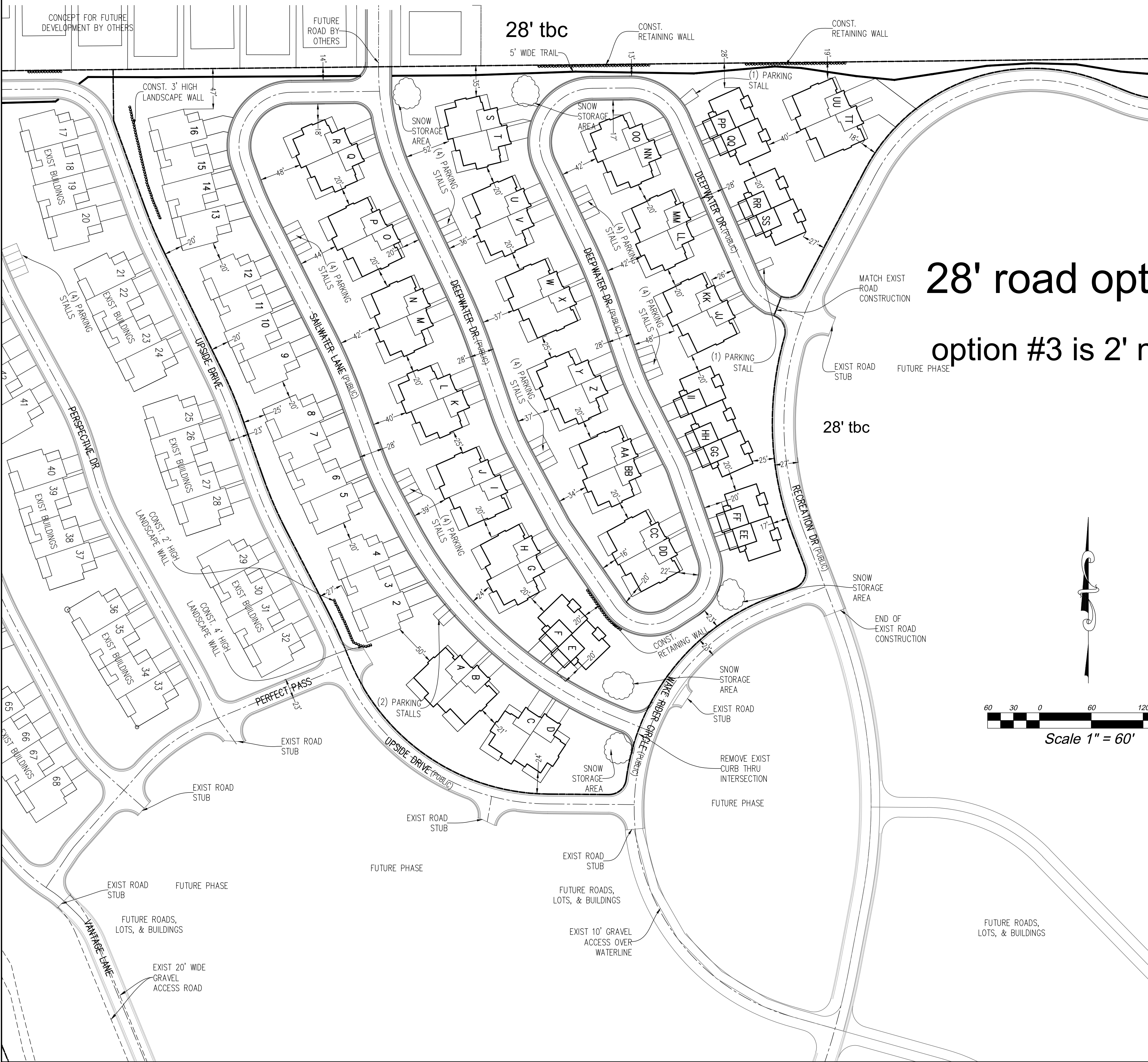
26' ROAD CROSS SECTION

SCALE: NTS

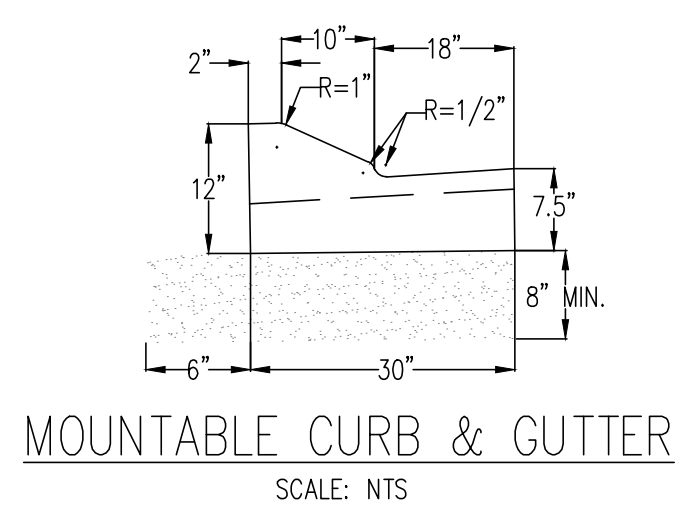
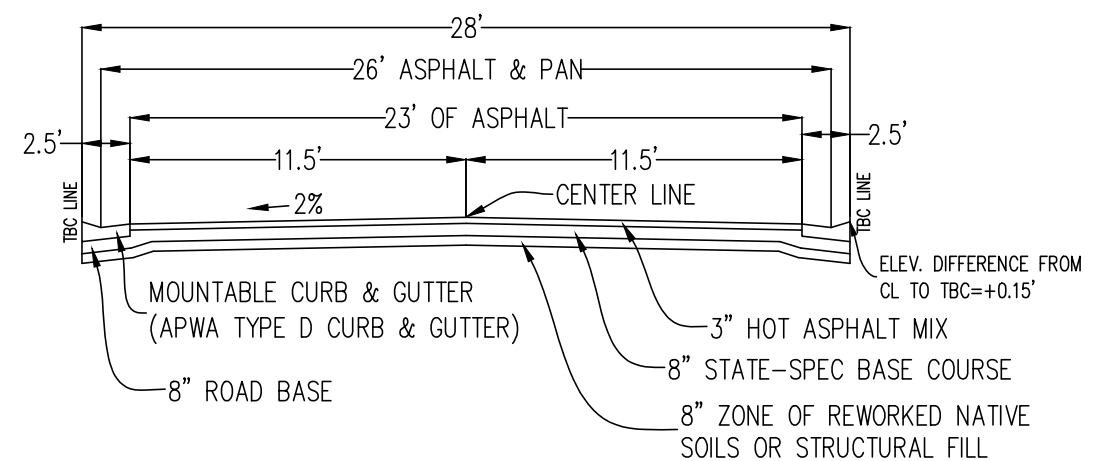
- 2020 TOWN CODE OF 26' ASPHALT.
- 2020 TOWN CODE ROAD DESIGN ALLOWED.
- MEETS IFC AND WCFD REQUIREMENTS.
- STORM DRAIN CALCULATIONS CAN BE MET WITH THIS SECTION.



SHORELINE - PHASE 3

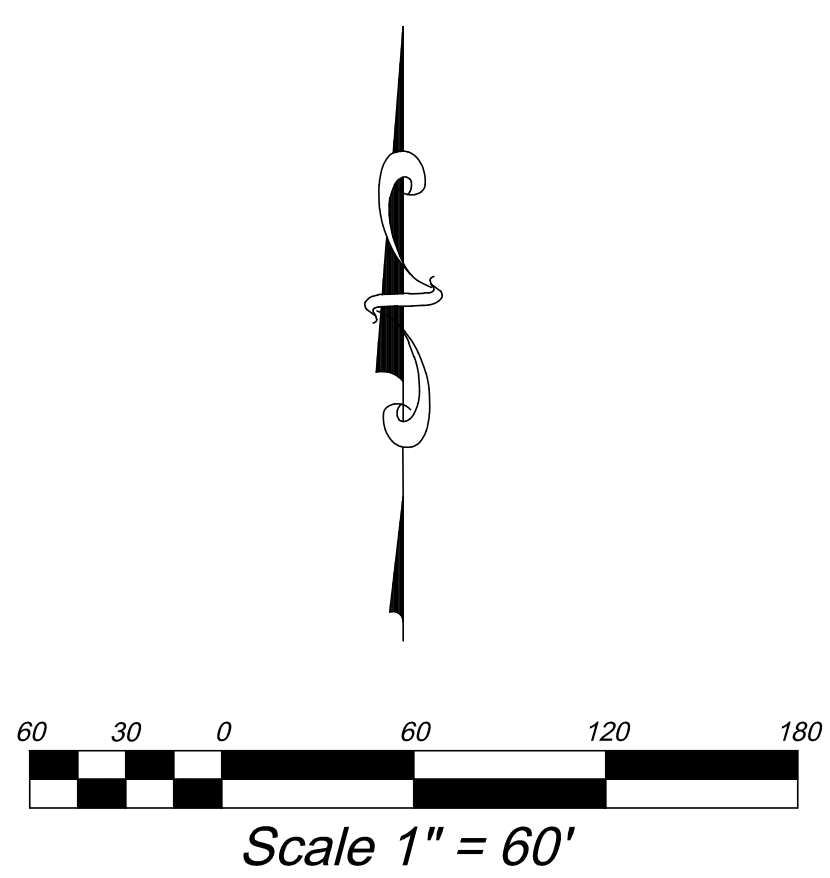


28' road option #1 or #2
option #3 is 2' narrower overall



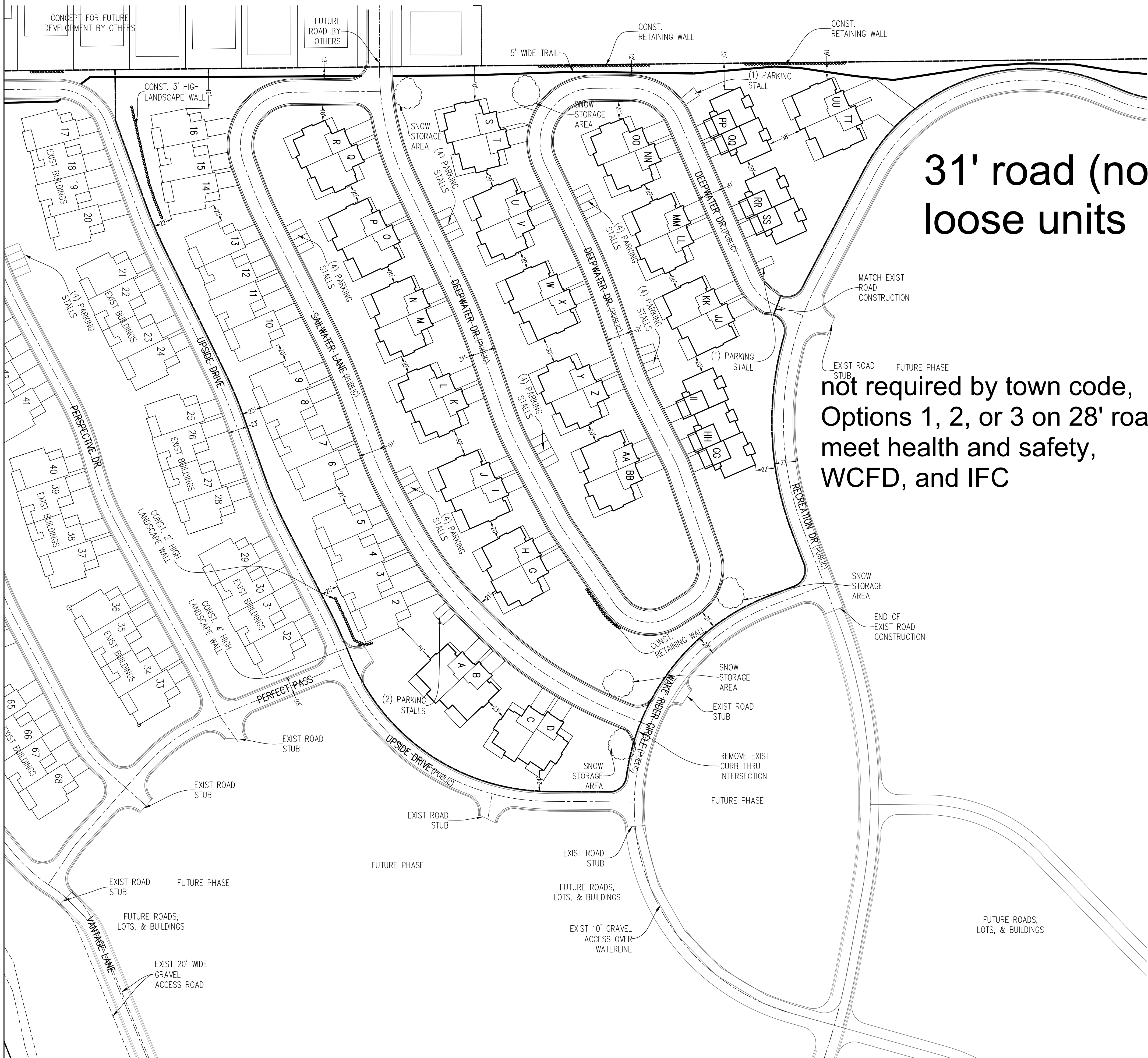
PROJECT MATERIAL SUBMITTAL NOTE:
CONTRACTOR SHALL PROVIDE SUBMITTALS FOR ALL MATERIALS TO BE INCORPORATED ON THE PROJECT TO EXCEL ENGINEERING FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

GUEST PARKING
GUEST STALLS PROVIDED: 28 STALLS
GUEST PARKING IN DRIVEWAYS (2 PER 62 UNITS): 124 STALLS
TOTAL GUEST PARKING: 152 STALLS



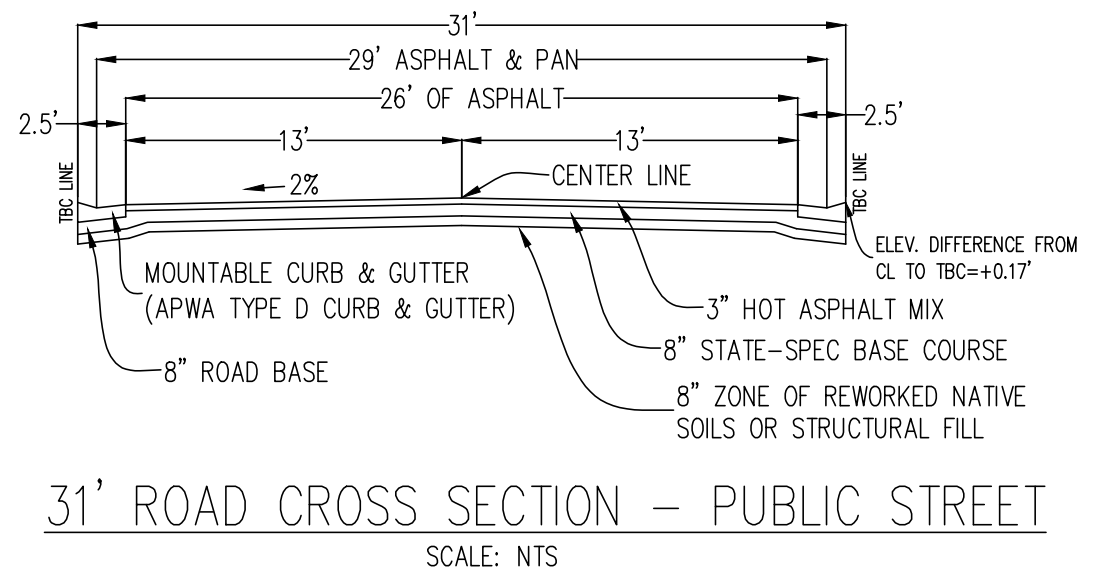
GENERAL CONSTRUCTION & DEVELOPMENT		SHORELINE	
3214 NORTH UNIV. AVE, #605 PROVO, UT 84604 (801) 434-8390		PHASE 3	
UTAH		UTAH	
Drawn by: G.J.Y.		Scale: 1"=60'	
Designed by: G.J.Y.		Date: 06/11/21	
Checked by: D.W.P.		C1	

SHORELINE - PHASE 3



31' road (not option)
loose units

not required by town code,
Options 1, 2, or 3 on 28' road
meet health and safety,
WCFD, and IFC



SHEET INDEX

- C1 COVER SHEET/ SITE PLAN
- U1 OVERALL UTILITY & LIGHTING & SIGNAGE PLAN
- U2 GAS & POWER PLAN
- G1 OVERALL GRADING
- G2 FINISHED GRADING PLAN
- PP1 SAILWATER LANE PLAN/PROFILE
- PP2 SAILWATER LANE PLAN/PROFILE
- PP3 DEEPWATER DRIVE PLAN/PROFILE
- PP4 DEEPWATER DRIVE PLAN/PROFILE
- PP5 DEEPWATER DRIVE PLAN/PROFILE
- PP6 OFF-SITE SEWER VANTAGE LANE PLAN/PROFILE
- PP7 OFF-SITE SEWER VANTAGE LANE PLAN/PROFILE
- PP8 STORM DRAIN PLAN/PROFILE
- PP9 STORM DRAIN PLAN/PROFILE
- SWP1 STORM WATER POLLUTION PREVENTION PLAN
- D1 DETAIL SHEET
- D2 DETAIL SHEET

GENERAL NOTES:

1. ALL WORK SHALL BE INSTALLED IN ACCORDANCE WITH APWA STANDARDS AS MODIFIED BY THE TOWN OF HIDEOUT.
2. SEWER AND WATER SHALL BE INSTALLED IN ACCORDANCE WITH HIDEOUT STANDARDS.
3. PRIOR TO COMPLETION OF GRADING, A SOILS ENGINEER SHALL PREPARE A LETTER OF RECOMMENDATION BASED ON CBR ANALYSIS FOR THE PAVEMENT, BASE COURSE AND STRUCTURAL FILL COURSE (IF ANY) THICKNESS AND SUBMIT TO THE HIDEOUT ENGINEERING DEPARTMENT FOR APPROVAL.
4. DUE TO THE FACT THAT HIDEOUT HAS SIGNIFICANTLY HIGH WATER PRESSURE PRIOR TO THE PRV STATIONS, ALL HOMES AT HIDEOUT ARE REQUIRED TO INSTALL A PRV VALVE TO PROTECT THE HOME FROM FAILURE OF A PRV STATION.
5. STOP SIGNS, STREET LIGHTS, AND STREET SIGNS AR SHOWN BY SYMBOLS ON THE DRAWNGS. REFER TO THE LEGEND.
6. HIDEOUT STANDARDS WITHIN HIDEOUT CANYON REQUIRE USE OF THE LIGHTS THAT ARE FOUND IN PHASE 1 & 2 OF HIDEOUT. ALL FIRE HYDRANTS HAVE A LIGHT LOCATION WITHIN 10' TO AID IN THEIR LOCATIONS DURING THE WINTER. HIDEOUT SUPPORTS THE DARK SKY INITIATIVE.
7. WATER DISTRIBUTION DESIGN SHALL MEET THE MINIMUM REQUIREMENTS OF THE UTAH DIVISION OF DRINKING WATER.
8. 8" & 12" CULINARY WATER LINES ARE TO BE C-900 PVC
9. A WORK-IN ROW PERMIT MUST BE OBTAINED FROM THE TOWN PRIOR TO ROADWAY CUTS.
10. ALL DRIVEWAYS ARE 20' MIN. LENGTH.

PROJECT MATERIAL SUBMITTAL NOTE:

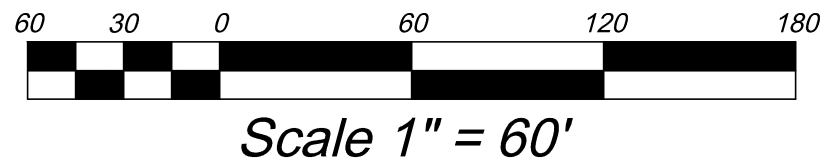
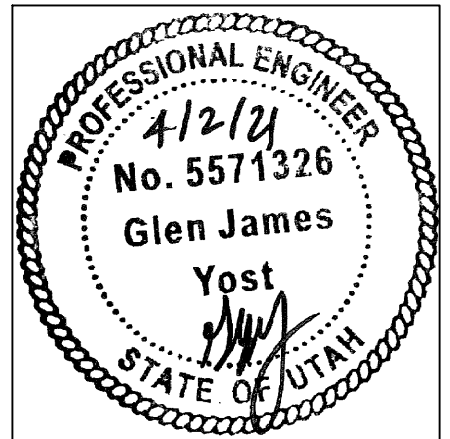
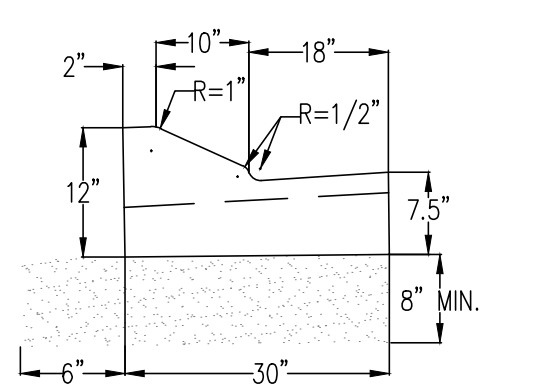
CONTRACTOR SHALL PROVIDE SUBMITTALS FOR ALL MATERIALS TO BE INCORPORATED ON THE PROJECT TO EXCEL ENGINEERING FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

OPEN SPACE SITE TABULATIONS

TOTAL AREA:	522,869 S.F. = 100%
OPEN SPACE AREA:	266,652 S.F. = 51.0%
IMPERVIOUS AREA:	256,217 S.F. = 49.0%

GUEST PARKING

GUEST STALLS PROVIDED: 28 STALLS
GUEST PARKING IN DRIVEWAYS (2 PER 62 UNITS): 124 STALLS
TOTAL GUEST PARKING: 152 STALLS



REVISIONS		
Rev.	Date	Description
1	09/14/20	REVISED PER CITY COMMENTS
2	12/23/20	REVISED BUILDING OUTLINES
3	04/02/21	REVISED PER CITY COMMENTS
4	05/24/21	REVISED SITE PLAN

GENERAL CONSTRUCTION & DEVELOPMENT
3214 NORTH UNIV. AVE. #605
PROVO, UT 84604
(801) 434-8390

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

SHORELINE PHASE 3

HIDEOUT	UTAH
Drawn by: G.J.Y.	Scale: 1"=60'
Designed by: G.J.Y.	Date: 08/06/20
Checked by: D.W.P.	C1

COVER SHEET/ SITE PLAN



WASATCH FIRE DISTRICT

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

Ryan,

Wasatch Fire has completed the initial review of Shoreline Phase 3 with the following comments.

- Secondary access is still needed for Shoreline Phase 2A as a condition of the final approval granted on March 8, 2019. The provided access connection on Wake Rider Circle is still only a single point access. As per the approval letter for 2A, permanent secondary access is required prior to any further approvals.
- Roads must be a minimum of 26-foot unobstructed width for their entirety. Parking must be regulated to approved locations and not obstruct apparatus access roads.

Wasatch Fire cannot approve the plans as submitted due to the single point of access for Shoreline 2A and the proposed Phase 3 due to the single point of permanent access onto Recreation Drive. All roads (Deepwater Drive, Sailwater Drive and Upside Drive) have a single connection point on Recreation Drive. Any emergency at or near Recreation Drive would render it unusable and impede evacuations.

Also of concern is the winding road of Deepwater Drive, how are these homes to be addressed. It appears that the potential for a delayed response due to the closeness / similarity of addresses is problematic.

APPENDIXD FIRE APPARATUS ACCESS ROADS

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

SECTIOND101 GENERAL

D101.1 Scope.

Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTIOND102 REQUIRED ACCESS

The 26' road width can be asphalt, or concrete

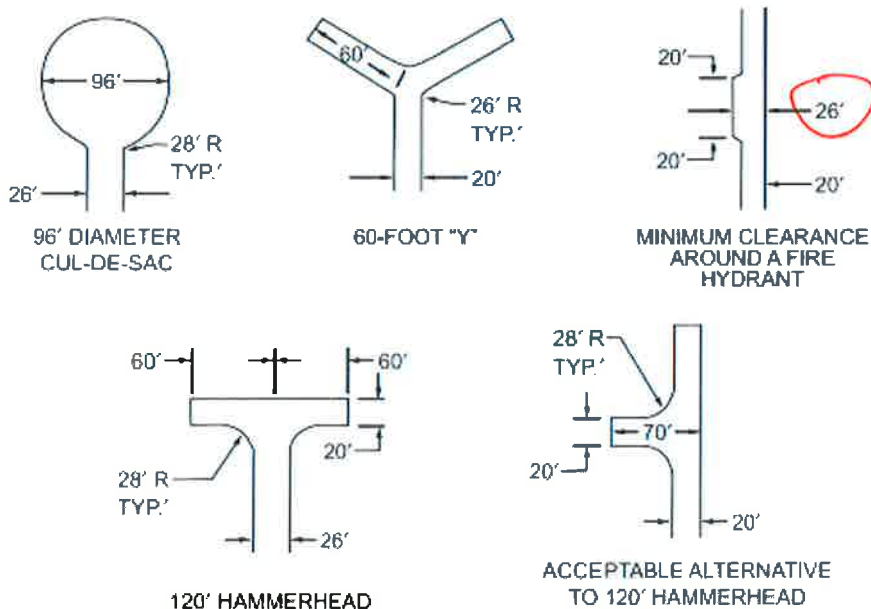
D102.1 Access and loading.

Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTIOND103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).



IFC only requires 26' at hydrant locations, Phase 3 is designed going the full 26' unobstructed road width 'drivable surface' the entire phase 3 roads.

For SI: 1 foot = 304.8 mm.

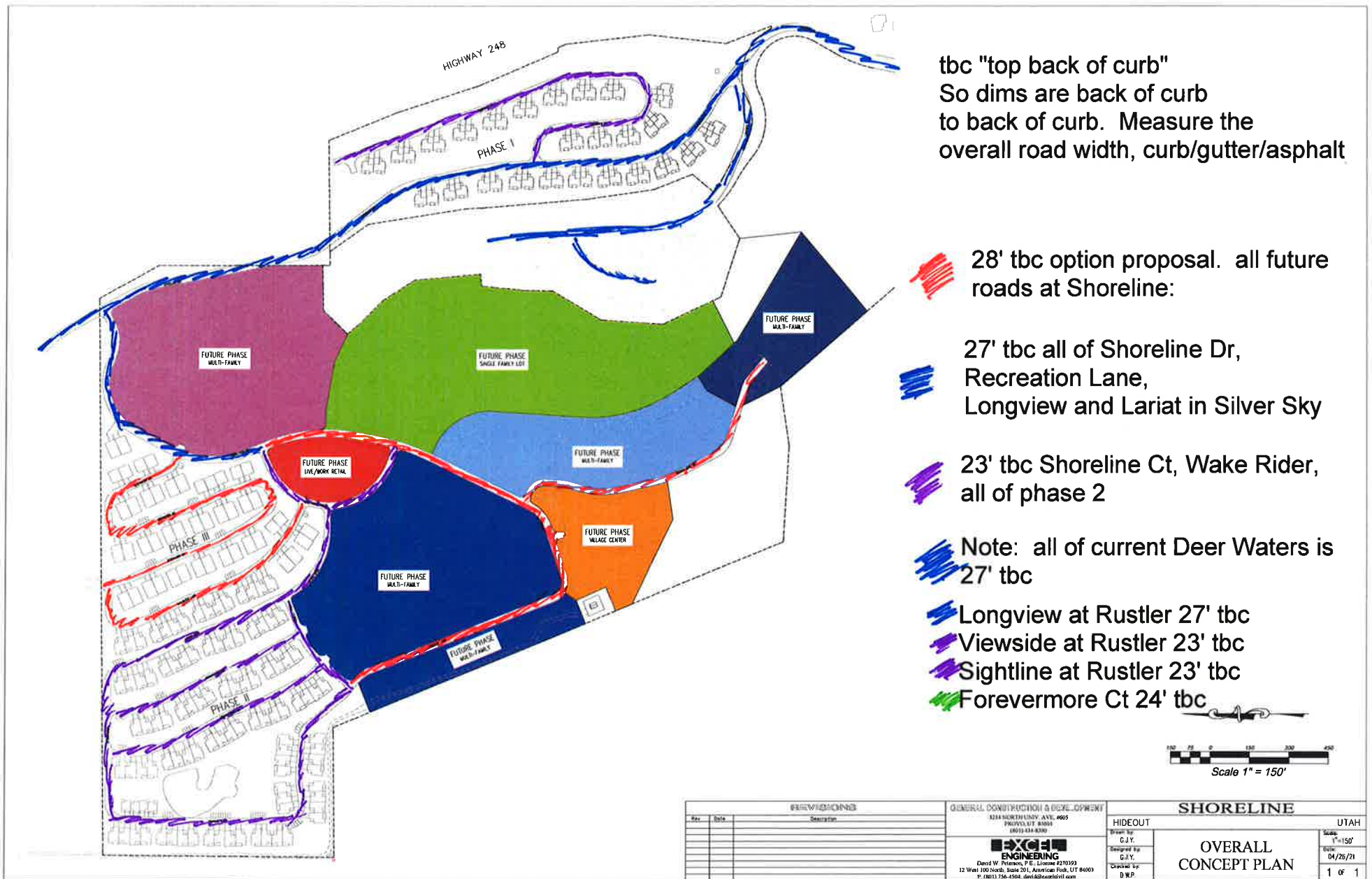
**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

D103.2 Grade.

Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

D103.3 Turning radius.



Advisory Opinion #141

Parties: Michael Thayne and Syracuse City

Issued: June 10, 2014

TOPIC CATEGORIES:

Entitlement to Application Approval (Vested Rights) Subdivision Plat Approval Interpretation of Ordinances

An applicant's right to develop vests when the applicant submits an application that complies with the ordinances in place. When the application is approved, the application is deemed to fully comply with the applicable ordinances, and the applicant is entitled to proceed with respect to all matters addressed in that application.

The City cites several ordinances that could be interpreted to render the development noncompliant. Each of those arguments arises out of the layout and design of the development. However, the layout and design of this development has been shown on previous applications, and the issues raised have been discussed at length. By approving the previous applications, the City has interpreted those ordinances and deemed that the subdivision complies. The development has vested. The vesting rule prohibits the City from revisiting those matters, and entitles the applicant to approval of the development application.

DISCLAIMER

The Office of the Property Rights Ombudsman makes every effort to ensure that the legal analysis of each Advisory Opinion is based on a correct application of statutes and cases in existence when the Opinion was prepared. Over time, however, the analysis of an Advisory Opinion may be altered because of statutory changes or new interpretations issued by appellate courts. Readers should be advised that Advisory Opinions provide general guidance and information on legal protections afforded to private property, but an Opinion should not be considered legal advice. Specific questions should be directed to an attorney to be analyzed according to current laws.



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SPENCER J. COX
Lieutenant Governor

State of Utah Department of Commerce

OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

ADVISORY OPINION

Advisory Opinion Requested by:	Michael J. Thayne
Local Government Entity:	Syracuse City
Applicant for the Land Use Approval:	Irben Development LLC
Type of Property:	Residential Development
Date of this Advisory Opinion:	June 10, 2014
Opinion Authored By:	Brent N. Bateman, Lead Attorney Office of the Property Rights Ombudsman

Issues

Can a City deny final plat approval to a development that has previously received sketch plan approval and preliminary plat approval?

Summary of Advisory Opinion

An applicant's right to develop vests when the applicant submits an application that complies with the ordinances in place. When the application is approved, the application is deemed to fully comply with the applicable ordinances, and the applicant is entitled to proceed with respect to all matters addressed in that application.

The City cites several ordinances that could be interpreted to render the development noncompliant. Each of those arguments arises out of the layout and design of the development. However, the layout and design of this development has been shown on previous applications, and the issues raised have been discussed at length. By approving the previous applications, the City has interpreted those ordinances and deemed that the subdivision complies. The development has vested. The vesting rule prohibits the City from revisiting those matters, and entitles the applicant to approval of the development application.

Review

A Request for an Advisory Opinion may be filed at any time prior to the rendering of a final decision by a local land use appeal authority under the provisions of UTAH CODE § 13-43-205. An advisory opinion is meant to provide an early review, before any duty to exhaust administrative remedies, of significant land use questions so that those involved in a land use application or other specific land use disputes can have an independent review of an issue. It is hoped that such a review can help the parties avoid litigation, resolve differences in a fair and neutral forum, and understand the relevant law. The decision is not binding, but, as explained at the end of this opinion, may have some effect on the long-term cost of resolving such issues in the courts.

A Request for an Advisory Opinion was received from Michael J. Thayne, on behalf of Irben Development LLC on April 15, 2014. A copy of that request was sent via certified mail to Rodger S. Worthen, City Administrator of Syracuse City, at 1979 West 1900 South, Syracuse, Utah. 84075. The City received that copy on April 17, 2014.

Evidence

The following documents and information with relevance to the issue involved in this Advisory Opinion were reviewed prior to its completion:

1. Request for an Advisory Opinion, with attachments, submitted by Michael Thayne, received April 15, 2014.
2. Response from Syracuse City, with attachments, submitted by City Attorney Clinton R. Drake, received May 21, 2014, including past Syracuse City Ordinances, provided by the City in its response, applicable to the development.
3. Various current Syracuse City Ordinances and Planning Commission Minutes, available on the Syracuse City website.

Background

Under Syracuse City ordinances, subdivision development involves a three-step process. An applicant first must obtain sketch plan approval, then preliminary plat approval, and lastly final plat approval. If a development is also a cluster subdivision as defined in the City Code, the developer must obtain a conditional use approval as well. According to the City Code, the Syracuse City Planning Commission is the land use authority responsible to provide sketch plan approval, preliminary plat approval, and conditional use permit approval. For final plat approval, the Planning Commission and the City Council share the duties of land use authority, and the approval of both parties is required.

Irben Development LLC is the developer of the Still Water Lake Estates, a cluster subdivision in Syracuse City. This proposed subdivision consists of approximately 30 large custom home lots bounding and abutting two lakes, as well as approximately 165 homes on smaller lots placed some distance away from the lakes. While the 30 larger lots give their owners full access and use

of the lakes, the 165 smaller homes are separated from the lakes by a canal. Neither the 165 homes, nor the public in general, will have direct legal access to the lakes.

On June 8, 2012, the developer applied for initial sketch plan approval of Still Water Lake Estates. The Syracuse Planning Commission held a public hearing for the sketch plan on July 17, but the application was tabled. On May 21, 2013, the developer submitted an amended sketch plan application, and after public hearing and review by the planning commission, sketch plan approval was granted on August 6, 2013. On January 21, 2014, the Developer submitted an application for Preliminary Plat Approval, and on March 2, 2014, the Planning Commission granted that approval. Further, on May 6, 2014, the Planning Commission granted approval of the cluster subdivision conditional use permit. It appears that none of these approvals have been appealed by any party.

On April 8, 2014, the developer submitted an application for final plat approval. That application is currently under review, and the land use authority has taken no final action. In its submission for this Advisory Opinion, Syracuse City has raised four issues that it believes may justify denial of the final plat application. Each of those issues center around the separation between the larger lake homes and the smaller homes, and the lack of direct access to the lake by the smaller homes. Specifically, the City argues that: (a) the layout of the development creates two distinct specific user groups, thus violating Syracuse City Code § 10-16-010, which states that one of the purposes of the cluster subdivision is to “allow the developer to more closely tailor a development project to a specific user group;” (b) Syracuse City Code § 10-16-010 states that the purpose of the cluster subdivision ordinance is to “encourage good neighborhood design, and preserve open space while ensuring substantial compliance with the intent of the Subdivision and Land Use Ordinances,” but the lack of connectivity or direct access between the larger homes and the smaller homes does not provide good neighborhood design; (c) Syracuse City Code § 10-16-040 states that “Property designated as open space on the landscaping plan shall be for the use and enjoyment of the residents or community,” but lake access will be limited to the larger lots that abut the lakes; and (d) Syracuse City Code § 10-16-050 requires that the homes in the development have a common building theme which “shall show detail in the unification of exterior architectural style, color, and size of each unit,” but the disproportionate lot sizes do not demonstrate a unified architectural style.

Analysis

I. The Vested Rights Doctrine Prohibits the City from Revisiting Previous Approvals

A. The Vested Rights Doctrine.

Utah’s vested rights doctrine exists to provide consistency and predictability in the land development process. Simply stated, when a land use application conforms to the zoning ordinance in effect, the applicant is entitled to approval of that application. “[A]n applicant for subdivision approval . . . is entitled to favorable action if the application conforms to the zoning ordinance in effect at the time of the application . . .” *Western Land Equities v. City of Logan*, 617 P.2d 388, 391 (Utah 1980).

The Utah Supreme Court discussed the policies behind this doctrine at length in *Western Land Equities*:

The economic waste that occurs when a project is halted after substantial costs have been incurred in its commencement is of no benefit either to the public or to landowners. . . . Governmental powers should be exercised in a manner that is reasonable and, to the extent possible, predictable.

. . . .

A property owner should be able to plan for developing his property in a manner permitted by existing zoning regulations with some degree of assurance that the basic ground rules will not be changed in midstream.

Western Land Equities, 617 P.2d at 395-6. The vesting doctrine is well established in Utah. The Utah Legislature adopted this doctrine into the Utah Code at § 10-9a-509(1)(a):

an applicant is entitled to approval of a land use application if the application conforms to the requirements of the municipality's land use maps, zoning map, a municipal specification for public improvements applicable to a subdivision or development, and an applicable land use ordinance in effect when a complete application is submitted and all application fees have been paid.

The rule in Utah is unequivocal. “Stated simply, [a] [c]ity cannot change the rules halfway through the game.” *Springville Citizens for a Better Community v. City of Springville*, 1999 UT 25, ¶ 30. Thus, once a developer submits an application that complies with the requirements for that application, that person is entitled to approval of that application. For example, if an applicant makes concept plan application, and that application complies with the requirements for concept plan approval, the concept plan must be approved. Once the developer receives that approval, the developer is entitled to rely upon it. Thus the developer can expend further costs and time moving to the next step with confidence that his efforts will not result in economic waste.

B. A City Cannot Revisit or Undo Previously Granted Approvals

In corollary to the above, once approval is given to an application, the application is deemed to fully comply with local ordinances. Even if different local officials at a different time may feel that an application may not comply with applicable ordinances, a developer is entitled to rely upon the approval given as the final decision of the City. The application is vested, and the developer can proceed with confidence and the protection of the law.

The Utah Supreme Court held that

[i]t is incumbent upon a city . . . to act in good faith and not to reject an application because the application itself triggers zoning reconsiderations that

result in a substitution of the judgment of current city officials for that of their predecessors.

Western Land Equities, 617 P.2d at 396. Vested development rights arise because an application complies with zoning ordinances. A City Council or Planning Commission cannot change its mind and revoke vested rights. The City does not have such authority. To hold otherwise would counter the foundations of the vesting doctrine. Not only should a developer be entitled to rely on the ordinances in place at the time of application, but a developer must be able to rely on the City's interpretation and application of its ordinances.

As with all laws, land use ordinances may be interpreted differently by different individuals. Some may believe that a law should be applied one way, some another. However, the time for debate on such matters comes before the development rights vest. Once a duly designated land use authority votes on a matter, the vote becomes the interpretation of the City, without regard to whether the tally for that vote was 5-0 or 3-2 or whether another group of individuals in the same city would have reached a different decision. The developer is entitled to rely upon the official decision received. "A property owner should be able to plan for developing . . . property in a manner permitted by existing zoning regulations with some degree of assurance that the basic ground rules will not be changed in midstream." *Western Land Equities*, 617 P.2d at 396. This principle provides security for further expenditures of funds, time, and efforts, because the Developer now enjoys the protections of the law.

There may be circumstances where previously granted approvals can be revisited, such as a misrepresentation by the developer, a serious material mistake in fact by both parties, or emergence of a compelling, countervailing public interest. *See* UTAH CODE § 10-9a-509. But such event would be rare and exceptional. "Buyer's remorse" over previous approvals does not constitute a compelling, countervailing public interest. Once vested, a developer is entitled to rely on the vested right. The City cannot revisit previous approvals and take away a vested right.

II. The City Has Not Justified Denying the Final Plat

A. Final Plat Approval Involves only Those Matters Relating to the Final Plat.

In light of the vested right doctrine, a final plat application should not be viewed as one last opportunity for the City to reject an application. As with all land use applications, once any application in the development process vests, any matters addressed in that application are deemed vested. Matters addressed and vested in previous applications are no longer subject to review in subsequent applications. Instead, subsequent applications in the same development process provide the City an opportunity to review for compliance and approve more detailed and specific aspects of a plan that have not been previously shown on earlier applications.

Accordingly, final plat application will include details of final plat that were not previously needed and not previously shown on a prior application. The final plat approval process then is a review of the development for compliance with the final details and final plat requirements contained in the local ordinance. A final plat application could be denied, for example, if the

developer refused to obtain certain signatures required for final plat or show on the plat certain information that the ordinances mandate. However, final plat approval is not an additional bite upon a previously eaten apple.

B. The City Has Previously Approved the Layout and Design of the Development.

The objections raised by the City for this Opinion all relate to the basic layout and design of the development – the locations of the lots, the relative locations of the lakes, and the restrictions upon access to the lakes. These matters of layout and design are certainly not matters that would appear for the first time in the final plat application. They are basic matters which certainly would have been addressed at preliminary plat and conditional use application, and perhaps even at sketch plan. When those applications were approved, the layout and design of the development were approved and vested.

In addition, planning commission minutes reviewed for this Opinion contain multiple indications that the layout and design of the development, including the issue of access to the lakes, were discussed extensively in previous meetings. Approval was nonetheless given. The developer is entitled to rely, and indeed has relied, upon those approvals. Now, at final plat, the City's review is limited only to those aspects not shown in previous approvals and final plat requirements contained in the ordinance.

We further note that the issues raised by the City to show potential violations of ordinance are subjective and subject to interpretation. None clearly show that the development violates the law, nor that an interpretation that the development does not violate the law is unreasonable. The ordinance sections cited are either vague statements of intent (“a specific user group”), subjective preferences without enforceable standards (“good neighborhood design”, “common building theme”), or of questionable applicability and legality (“landscaping open space is for the use of residents”). The best that can be said of any of these is that they *can be* interpreted the way the City has done (to varying degrees of reasonableness). However, each of these ordinances could reasonably be interpreted in multiple ways. Although the City has well-argued its position, this Office could find nothing here to compel a finding that the subdivision violated any ordinance.

Because zoning laws “are in derogation of a property owner’s use of land . . . any ordinance prohibiting a proposed use should be strictly construed in favor of allowing the use.” *Carrier v. Salt Lake County*, 104 P.3d 1208, 1217 (Utah 2004). Thus, interpreting the ordinances cited by the City in favor of the development, as the City is deemed to have done by granting previous approvals, is not only reasonable but is supported by the law and the rules of ordinance interpretation.

Nothing could be found in this case to justify revoking the previously granted approvals. Each of those matters could have been interpreted by a planning commission in multiple ways. Nevertheless, even if those provisions strongly indicated noncompliance with the code, even to the point where to find otherwise would be unreasonable, the City, by approving the applications, has deemed them to comply. The development is vested. Final plat cannot be denied for the reasons raised.

Conclusion

Because of concerns regarding the layout of the subdivision and access to the lake areas, the City is considering denying the final plat approval. However, nothing has been shown to justify the City doing so. Matters of layout and configuration of the development have been addressed previously in the application process, and the land use authority has granted the City's formal approval of those matters. The development has therefore vested, and the developer is entitled to proceed in reliance upon those approvals. The simple fact that the ordinances could be interpreted differently, and would be interpreted differently by some, does not permit the City to revisit approvals previously given.

Brent N. Bateman, Lead Attorney
Office of the Property Rights Ombudsman

NOTE:

This is an advisory opinion as defined in § 13-43-205 of the Utah Code. It does not constitute legal advice, and is not to be construed as reflecting the opinions or policy of the State of Utah or the Department of Commerce. The opinions expressed are arrived at based on a summary review of the factual situation involved in this specific matter, and may or may not reflect the opinion that might be expressed in another matter where the facts and circumstances are different or where the relevant law may have changed.

While the author is an attorney and has prepared this opinion in light of his understanding of the relevant law, he does not represent anyone involved in this matter. Anyone with an interest in these issues who must protect that interest should seek the advice of his or her own legal counsel and not rely on this document as a definitive statement of how to protect or advance his interest.

An advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to a dispute involving land use law. If the same issue that is the subject of an advisory opinion is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion, the substantially prevailing party on that cause of action may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution.

Evidence of a review by the Office of the Property Rights Ombudsman and the opinions, writings, findings, and determinations of the Office of the Property Rights Ombudsman are not admissible as evidence in a judicial action, except in small claims court, a judicial review of arbitration, or in determining costs and legal fees as explained above.

MAILING CERTIFICATE

Section 13-43-206(10)(b) of the Utah Code requires delivery of the attached advisory opinion to the government entity involved in this matter in a manner that complies with Utah Code Ann. § 63-30d-401 (Notices Filed Under the Governmental Immunity Act).

These provisions of state code require that the advisory opinion be delivered to the agent designated by the governmental entity to receive notices on behalf of the governmental entity in the Governmental Immunity Act database maintained by the Utah State Department of Commerce, Division of Corporations and Commercial Code, and to the address shown is as designated in that database.

The person and address designated in the Governmental Immunity Act database is as follows:

Rodger S. Worthen
City Administrator
City of Syracuse
1787 South 2000 West
Syracuse, Utah 84075

On this _____ day of June, 2014, I caused the attached Advisory Opinion to be delivered to the governmental office by delivering the same to the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the person shown above.

Office of the Property Rights Ombudsman

MEMORANDUM

Date: May 24th, 2021
To: Michael Stewart, General Construction and Development
From: Richard Brockmyer, Fehr & Peers
Subject: **Shoreline Phase 3 Development Street Width Analysis**

UT21-2279

This memorandum summarizes the findings from a traffic lane width analysis for the Shoreline Phase 3 development in Hideout, Utah. Fehr & Peers conducted a trip generation analysis for the development to evaluate if the proposed roadway cross-section can accommodate development-generated traffic. Fehr & Peers also reviewed the adopted Utah State fire code to summarize requirements for ingress/egress roads. Additionally, Fehr & Peers reviewed state of the practice bicycle facility design guidelines to determine if the proposed cross section adequately and appropriately accommodates cyclists.

Proposed Roadway Width

The Shoreline development is located on the west side of SR-248 and consists of several types of attached and detached residential units. Phase 3 of the development, the focus of this memorandum, consists of 47 twin home units. A twin home is two homes in one structure. As part of Phase 3, a new roadway will be constructed to provide access to the units. This roadway will not be used for carrying traffic other than traffic associated with the development.

The development is vested under the Town of Hideout's 2016 Road Design Standards, which dictate a standard drivable width for residential streets of 21 to 24 feet, depending on the allowance of on-street parking.

The current 2020 Town Code¹ states:

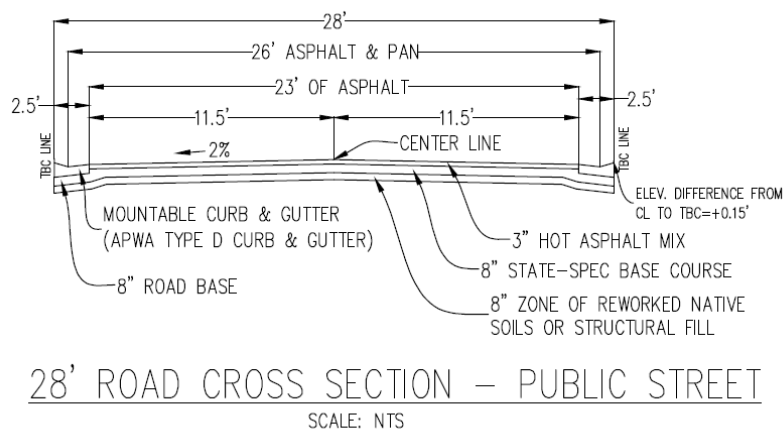
¹ Ordinance No. 2020-06 Passed and Adopted July 23, 2020



Neighborhood Road (51-Foot ROW) This is the minimum allowed right-of-way and road standard designed for all non-collecting neighborhood roads throughout the Town of Hideout without specific Town Council exception. Potential traffic is less than 1000 Annual Average Daily Traffic (AADT). Drainage to be controlled by either a drainage swale or curb and gutter. There are to be 10' travel lanes and 3' asphalt shoulders for bike/emergency lanes. A 10' right-of-way shall be dedicated behind the back of the curb and gutter. Exceptions to be approved by the Mayor or Town Engineer. There will be no on-street parking except where asphalt exceeds 32'

The proposed roadway cross-section, as shown in **Figure 1** is 28 feet, meets both the vested code requirements as well as the recently adopted 2020 Code requirements for a neighborhood road (although travel lanes and shoulders are sized differently) and exceeds the State adopted fire code by 2' (discussed further later in the memo).

Figure 1: Phase 3 Proposed Road Cross Section



Development Trip Generation and Lane Needs

To understand the roadway width needed to accommodate the project-generated traffic, trip generation was calculated using national trip generation rates published by the Institute of Transportation Engineers, 10th Ed. of the *Trip Generation Manual*, 2017.

Although it is anticipated that many of these units will be used as secondary homes, the analysis was completed assuming that all units were occupied as primary residences to provide a “worst-



case" scenario of the number trips generated by the development and the maximum amount of traffic the roadway would need to accommodate. Additionally, several ITE land use types were used to understand potential trip generation maximums based on how the units function when developed (i.e. like single family homes, multi-family homes, or more like recreational homes). **Table 1** provides a summary of the number of AM Peak Hour, PM Peak Hour, and Daily trips generated from the development.

Table 1: Development Trip Generation

ITE Land Use Category	Shoreline Phase 3 Development # of Units	AM Peak Hour Trips	PM Peak Hour Trips	Weekday Daily Trips	Saturday Peak Hour Trips	Saturday Daily Trips
210 – Single Family Detached Housing	47	41	52	519	57	438
220 – Multifamily Housing	47	28	32	396	33	383
260 – Recreational Homes	47	14	15	163	18	141

Peak hour of generator was used for AM, PM, and Saturday Peak Hour Analysis
Source: Institute of Transportation Engineers, 10th Ed. of the *Trip Generation Manual*, 2017

Hourly capacities for a local road with one lane in each direction are approximately 420 vehicles per hour per lane². Based on the trip generation estimates for Phase 3, the highest hourly volume from the development would occur on a Saturday with a total of 57 trips. This volume is well below the capacity of the roadway.

The maximum number of daily trips generated by the development is 519 vehicles, i.e. the maximum daily vehicles that the roadway would need to accommodate is 519. In a rural area, a two-lane collector will perform at a Level of Service (LOS) C with a daily volume of 7,500 vehicles per day. Based on this analysis, the roadway will perform well above a LOS C, even with the assumptions described above.

A second trip generation scenario was also developed to reflect more likely development occupancy conditions. Based on HOA data from Phase 1 of the development only 56% of the homes are used as primary residences. The remaining 44% are secondary homes. **Table 1** provides a

² Utah Travel Demand Model Roadway Capacities



summary of the number of AM Peak Hour, PM Peak Hour, and Daily trips generated from the development using these assumptions.

Table 2: Development Trip Generation Scenario

ITE Land Use Category	Type	Shoreline Phase 3 Development # of Units	AM Peak Hour Trips	PM Peak Hour Trips	Weekday Daily Trips	Saturday Peak Hour Trips	Saturday Daily Trips
210 – Single Family Detached Housing	Primary Homes	26	24	30	301	40	277
260 – Recreational Homes	Second Homes ¹	21	3	3	35	7	57
TOTAL		47	27	33	336	47	334

1. Assumes that second homes are 50% occupied during weekdays and 90% occupied during Saturdays

Peak hour of generator was used for AM, PM, and Saturday Peak Hour Analysis

Source: Institute of Transportation Engineers, 10th Ed. of the *Trip Generation Manual*, 2017

Based on this trip generation scenario for Phase 3, the highest hourly volume from the development would occur on a Saturday with a total of 47 trips. The maximum daily vehicles that the roadway would need to accommodate is 334. This volume is well below the capacity of the roadway.

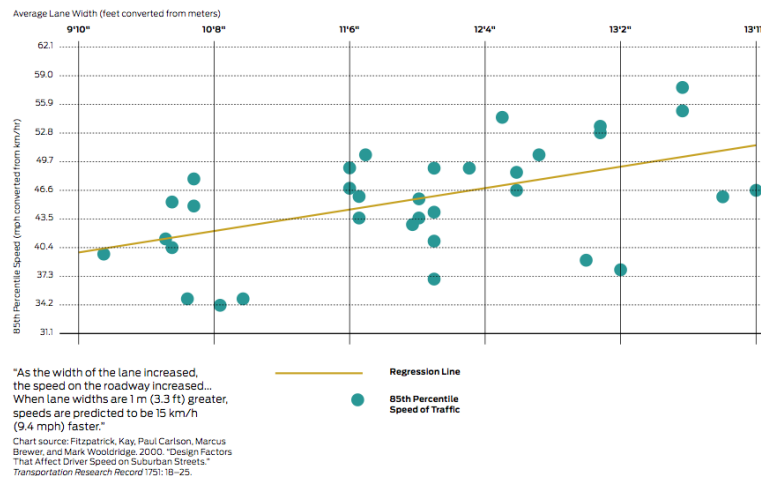
Based on this analysis, a two-lane roadway can easily accommodate the expected volume of traffic. The specific widths of these lanes are not derived by the volume. Design of appropriate lane widths need to consider the context of the roadway, target speeds, as well as safety considerations.

Lane Width and Safety

Lane widths have an impact on driver behavior and safety. Narrow streets encourage slower speeds. As shown in **Figure 2**, research has shown that wider travel lanes are correlated with higher vehicle speeds. Additionally, wider streets have been shown to also have a relationship with higher accident rates, as shown in **Figure 3**.

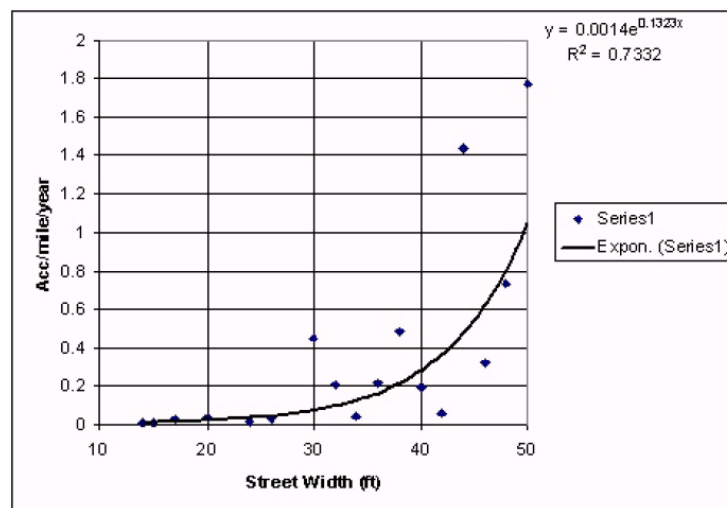


Figure 2: Wider Lane Correlation with Higher Speeds



Source: NACTO, *Urban Street Design Guide*

Figure 3: Wider Lane Relationship to Accidents

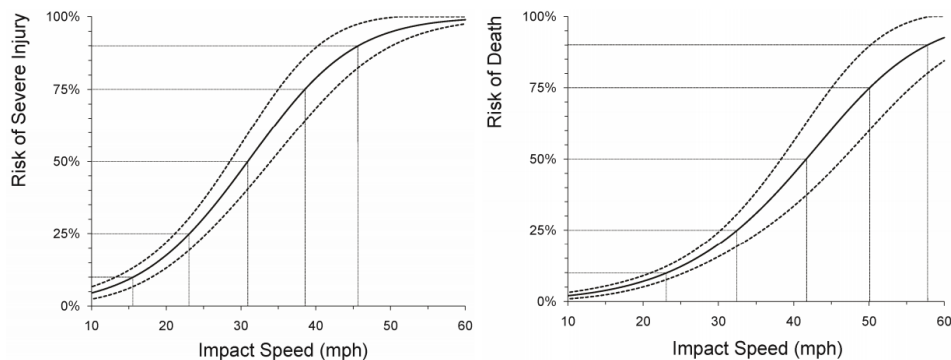


Source: *Residential Street Typology and Injury Accident Frequency*. Swift, Et Al.

Higher speeds also lead to more severe accidents, especially for pedestrians and bicyclists. The risk of severe injury or death for pedestrians rises substantially with impact speeds above 20mph, as shown in **Figure 4**.



Figure 4: Pedestrian Severe Injury and Death Risk by Impact Speed



Source: *Impact Speed and a Pedestrian's Risk of Severe Injury or Death*, AAA Foundation for Traffic Safety

Roadways designed to be wide will have higher vehicle speeds, even if the posted speed is lower. This can have a critical impact on safety, especially vulnerable users like bicycles and pedestrians. Design of a low volume residential street should consider vehicle speeds and safety in determining appropriate widths.

Utah Fire Code Requirements

Poorly designed streets can impede emergency vehicles like fire apparatuses. However, the Utah Fire Code sets standards for fire access roads. Chapter 5, section 503.2 of the *Fire Code 2018 of Utah* states the following:

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

Additionally, the *2018 International Fire Code* (IFC) section D103.1 notes that where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders.

Based on the fire codes, between 20 and 26 feet of width is needed to accommodate fire vehicles, exclusive of shoulders. A width of 26 feet is needed where there will be hydrants and in areas with no hydrants, 20 feet is needed. The proposed 28-foot roadway with mountable curb and gutter



provides over the minimum width for fire vehicles and exceed any fire core requirement by 2' of width.

Bicycle Treatment Evaluation

Accommodating active transportation users is an important component of roadway design. Facilities should be comfortable and safe for users of all modes. There are several sources of guidance for identifying appropriate bicycle treatments on roadways.

The National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide suggests that Bicycle Boulevards and Shared Streets are an appropriate all-ages-and-abilities bicycle facility for areas with low volumes and low vehicle speed (20 miles per hour or less). Bicycle boulevards are streets with low vehicular volumes and speeds, designated and designed to prioritize bicycle travel. Bicycle Boulevards use signs, pavement markings, and speed and volume management measures to discourage through trips by motor vehicles and create safe, convenient bicycle crossings of busy arterial streets³. Bicycle boulevards do not provide a separate space for bicycles.

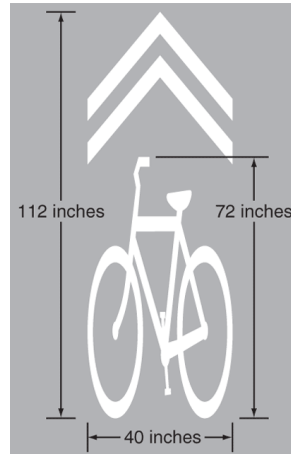
The American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities also notes that roadways that carry low volumes of traffic and/or where traffic operates at low speeds are suitable for shared lanes.

Given the proposed roadways speed limit of 20 mph and expected low volumes, separated bike lanes are not needed to accommodate cyclists safely on the proposed Phase 3 access road. However, it is recommended that bicycle wayfinding signage and pavement markings be used to identify the street as a bikeway. This includes the use of Shared Lane Markings (SLMs) or "sharrows" as shown in **Figure 5**.

³ NACTO Urban Bikeway Design Guide, <https://nacto.org/publication/urban-bikeway-design-guide/bicycle-boulevards/>



Figure 5: Shared Lane Marking



Source: FHWA, *Manual on Uniform Traffic Control Devices (MUTCD) 2009 Edition* Part 9 Figure 9C-9 Shared Lane Marking

Conclusions

The proposed roadway width for the Shoreline Phase 3 development is sufficient to accommodate expected vehicle trips generated from the development. Additionally, the roadway width is beyond the minimum requirements of the Utah State Fire Code and the IFC and meets the requirements of the vested Town Code and updated Town Code for a Neighborhood Road. Given the proposed speed limit of 20mph and low traffic volume expected to use the roadway, a shared lane or bicycle boulevard is the most appropriate bicycle facility treatment for the roadway. Separated bike lanes are not needed to accommodate cyclists safely.



About Fehr & Peers

Fehr & Peers specializes in providing transportation planning and traffic engineering services to public and private sector clients. We emphasize the development of creative, cost-effective, and results-oriented solutions to planning and design problems associated with all modes of transportation.

Our clients have trusted us to be their partners in transportation planning and engineering since 1985. Clients consistently choose to team with us because of our commitment to being the best at what we do.

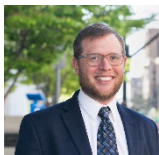
We purposefully maintain a focus on transportation consulting, serving client needs including the following:

- Active Transportation
- Climate Change
- Communications & Engagement
- Data Science
- Emerging Technologies
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- Safety
- Transit Planning
- Transportation Engineering
- Transportation Forecasting & Operations
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The Salt Lake City office of Fehr & Peers opened in 1994. Since then, we have served communities throughout the Intermountain West, helping a broad range of clients develop innovative and context-appropriate transportation solutions.

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Staff Involved with this Project



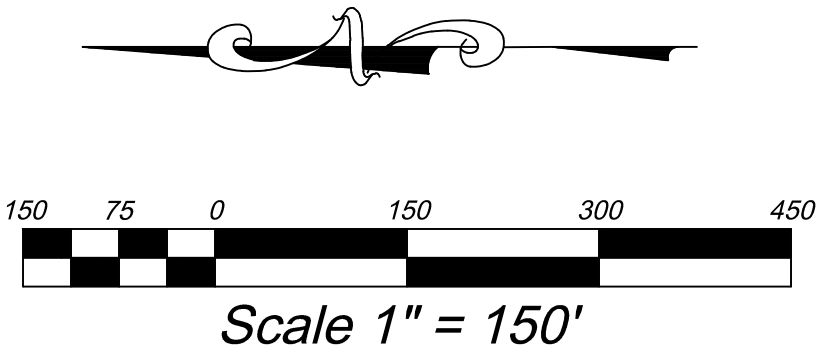
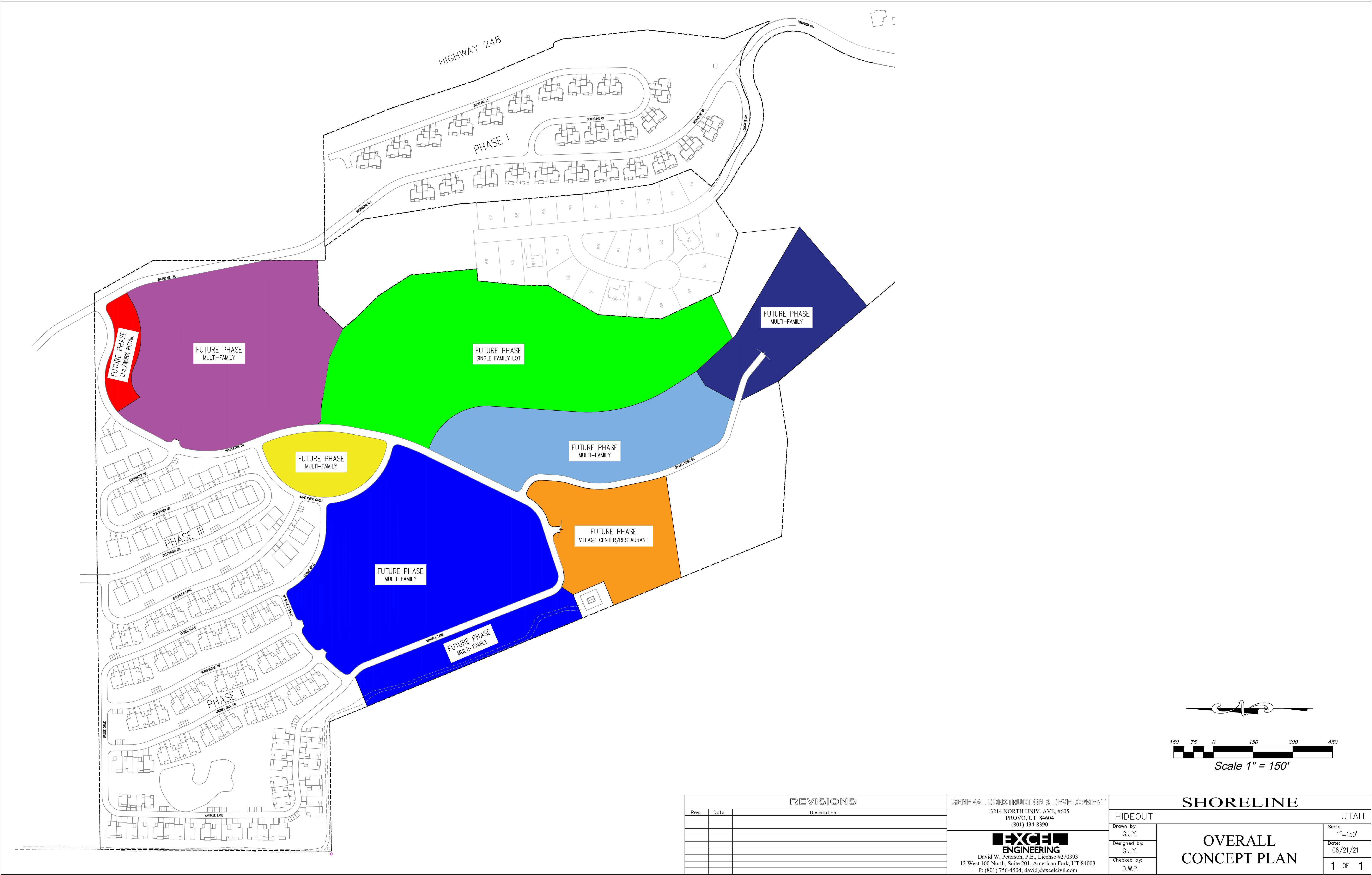
Richard Brockmyer, AICP, is an Associate with Fehr & Peers. Richard brings broad experience as both a Fehr & Peers employee and through previous positions as a Strategic Planner with UTA and Planning Manager with UDOT. Richard's areas of expertise include transit planning, active transportation planning, big data analysis and travel demand forecasting. Richard is a graduate of Arizona State University's Master of Urban and Environmental Planning program, where he also received a certificate in Transportation Systems.



Dan Cawley is a Senior Transportation Planner at Fehr & Peers with five years' experience working on a variety of multimodal transportation planning efforts in California and New York. Dan's experience in transportation planning efforts includes a diversity of projects ranging from multimodal corridor level analysis to campus and transportation master plans, and transportation demand management program evaluation.



Seishi Yamagata, PE, is a Transportation Engineer in the Utah office of Fehr & Peers. Having joined the office in May 2014, Seishi has managed several traffic impact studies and has developed experience in traffic operations analyses. Seishi has a Master of Science degree in Civil Engineering (with an emphasis on Transportation) from Brigham Young University.



REVISIONS		
Rev.	Date	Description

GENERAL CONSTRUCTION & DEVELOPMENT

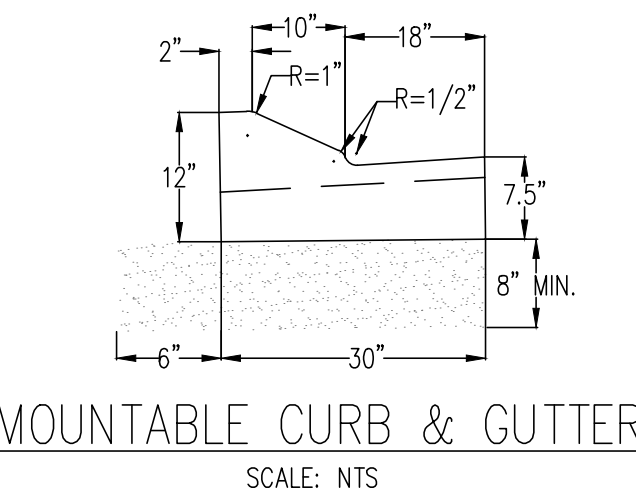
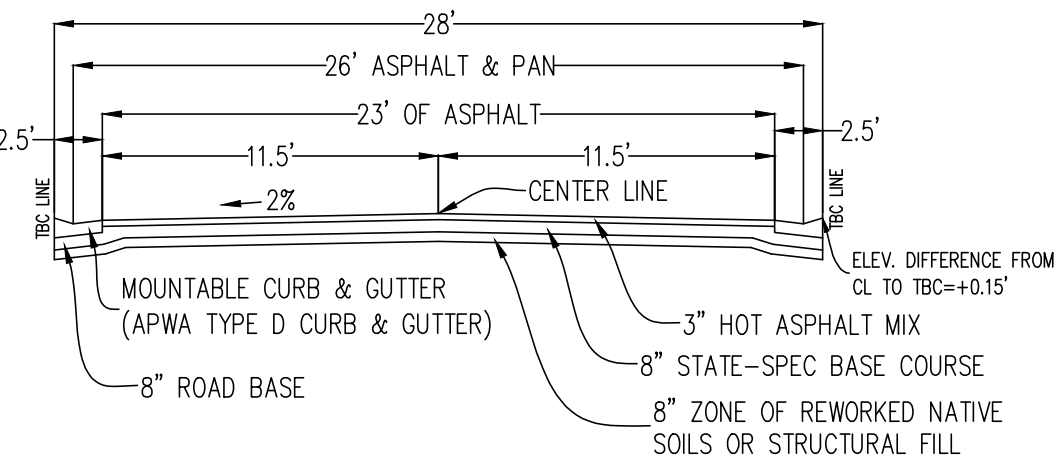
3214 NORTH UNIV. AVE, #605
PROVO, UT 84604
(801) 434-8390

EXCELS
ENGINEERING

David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

SHORELINE			UTAH
HIDEOUT		Scale: 1"=150'	
Drawn by:	G.J.Y.	OVERALL CONCEPT PLAN	Date: 06/21/21
Designed by:	G.J.Y.		1 OF 1
Checked by:	D.W.P.		

SHORELINE - PHASE 3

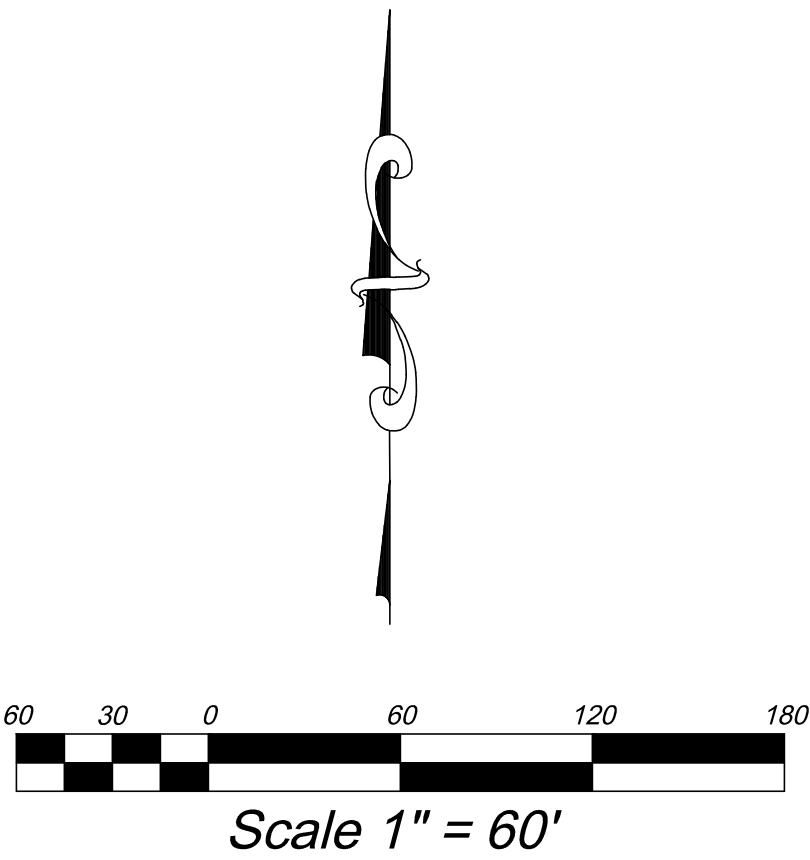


PROJECT MATERIAL SUBMITTAL NOTE:

CONTRACTOR SHALL PROVIDE SUBMITTALS FOR ALL MATERIALS TO BE INCORPORATED ON THE PROJECT TO EXCEL ENGINEERING FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

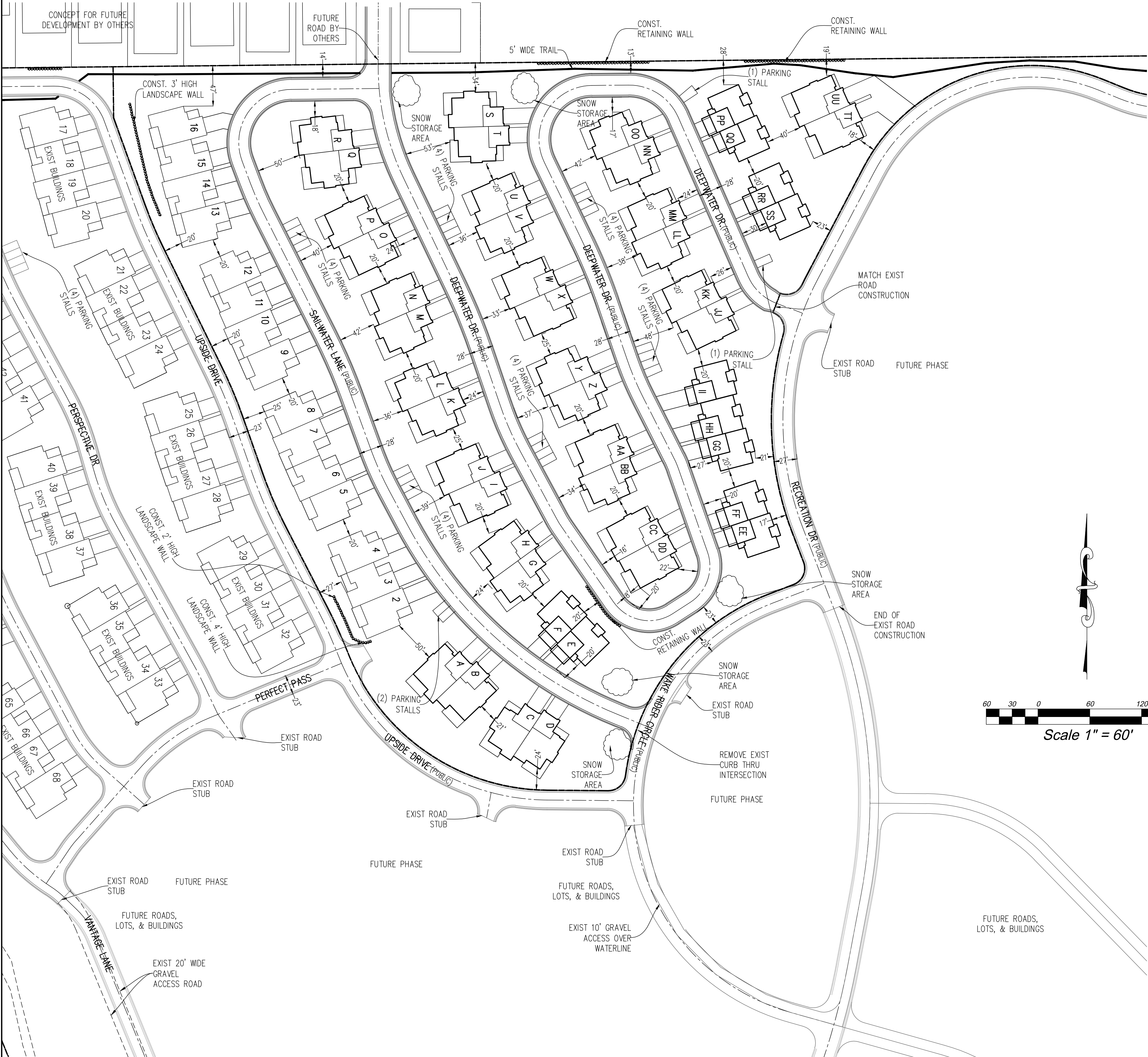
GUEST PARKING

GUEST STALLS PROVIDED: 28 STALLS
GUEST PARKING IN DRIVEWAYS (2 PER 62 UNITS): 124 STALLS
TOTAL GUEST PARKING: 152 STALLS



GENERAL CONSTRUCTION & DEVELOPMENT		SHORELINE	
3214 NORTH UNIV. AVE, #605 PROVO, UT 84604 (801) 434-8390		PHASE 3	
UTAH		UTAH	
Drawn by: G.J.Y.		Scale: 1"=60'	
Designed by: G.J.Y.		Date: 06/17/21	
Checked by: D.W.P.		C1	

SHORELINE - PHASE 3





Staff Review for Town Council

To: Mayor Phil Rubin
Hideout Town Council

From: Thomas Eddington Jr., AICP, ASLA, Town Planner
G. Ryan Taylor P.E., Town Engineer

Re: Shoreline Phase 3 (and Amended Phase 2)

Date: June 23, 2021

Submittals: The Applicant updated the submittal materials on June 15th for Town review.

A. Project Background

The Applicant has submitted the following plans:

Phase 2 (Amended)

- Amend Phase 2 Subdivision and move lots 2 – 16 from Upside Drive (uphill lots) to Sailwater Lane (downhill lots) to accommodate increased desirability and increased sale prices associated with downhill lots.
- Phase 2 (Amended) has 47 lots dispersed on 9.5 acres (reduced from 62 lots in the prior approved Phase 2).
- Phase 2 was previously approved. This amendment is solely for the purpose of removing the 15 lots from Phase 2 and incorporating them into Phase 3.
- Phase 2 is located in the Resort Village Medium Density (RVMD) zoning district (a specified designation under the RSPA Zoning District).
- There is a Master Development Agreement (MDA) for this project, dated March 11, 2010.

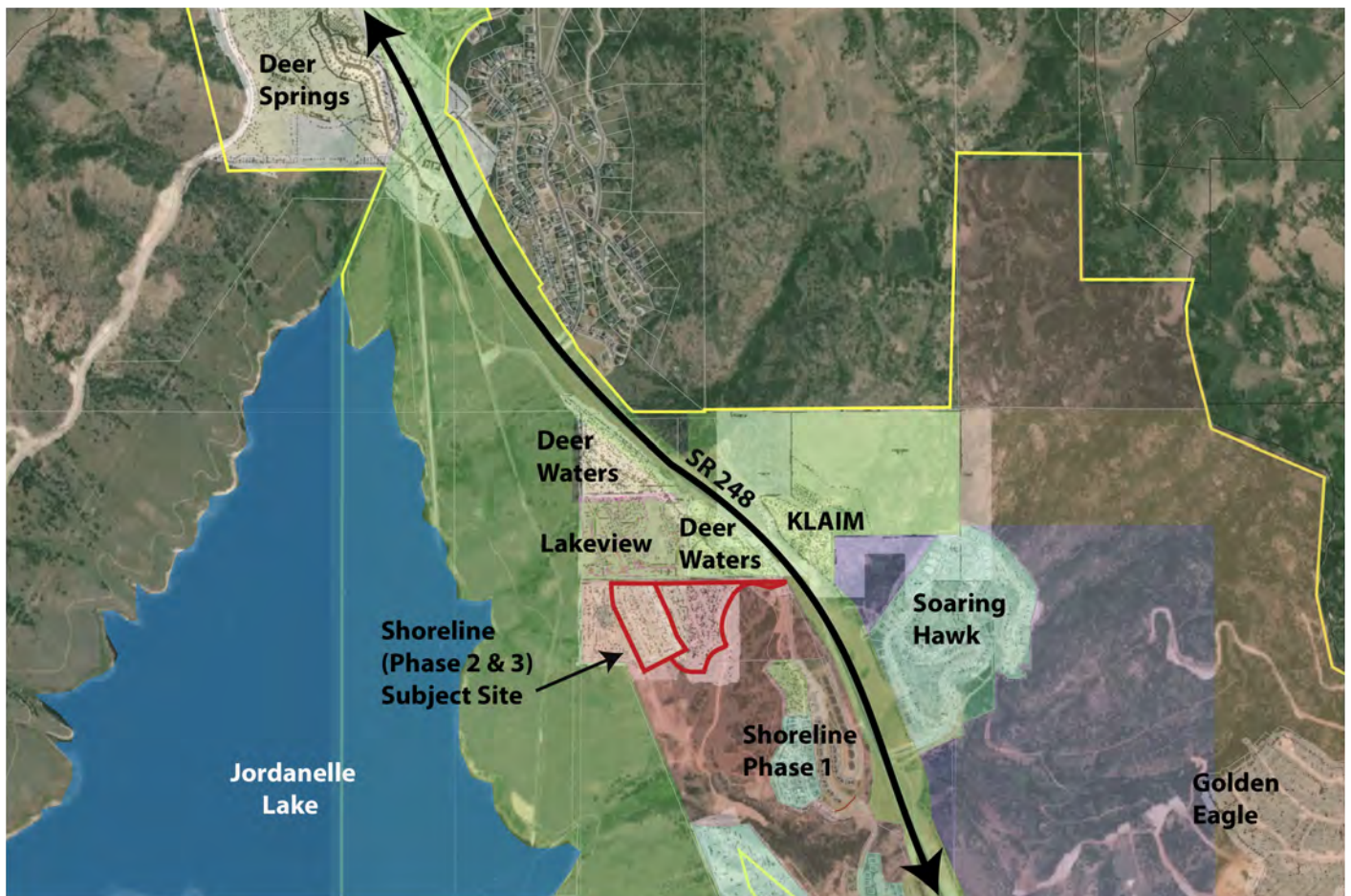
Phase 3

- Phase 3 is a new submittal for Shoreline; the Town Council has not previously reviewed this phase.
- Phase 3 has 47 lots dispersed on 9.7 acres. With the transfer of the 15 units from Phase 2 (amended), the total number lots for Phase 3 is 62.

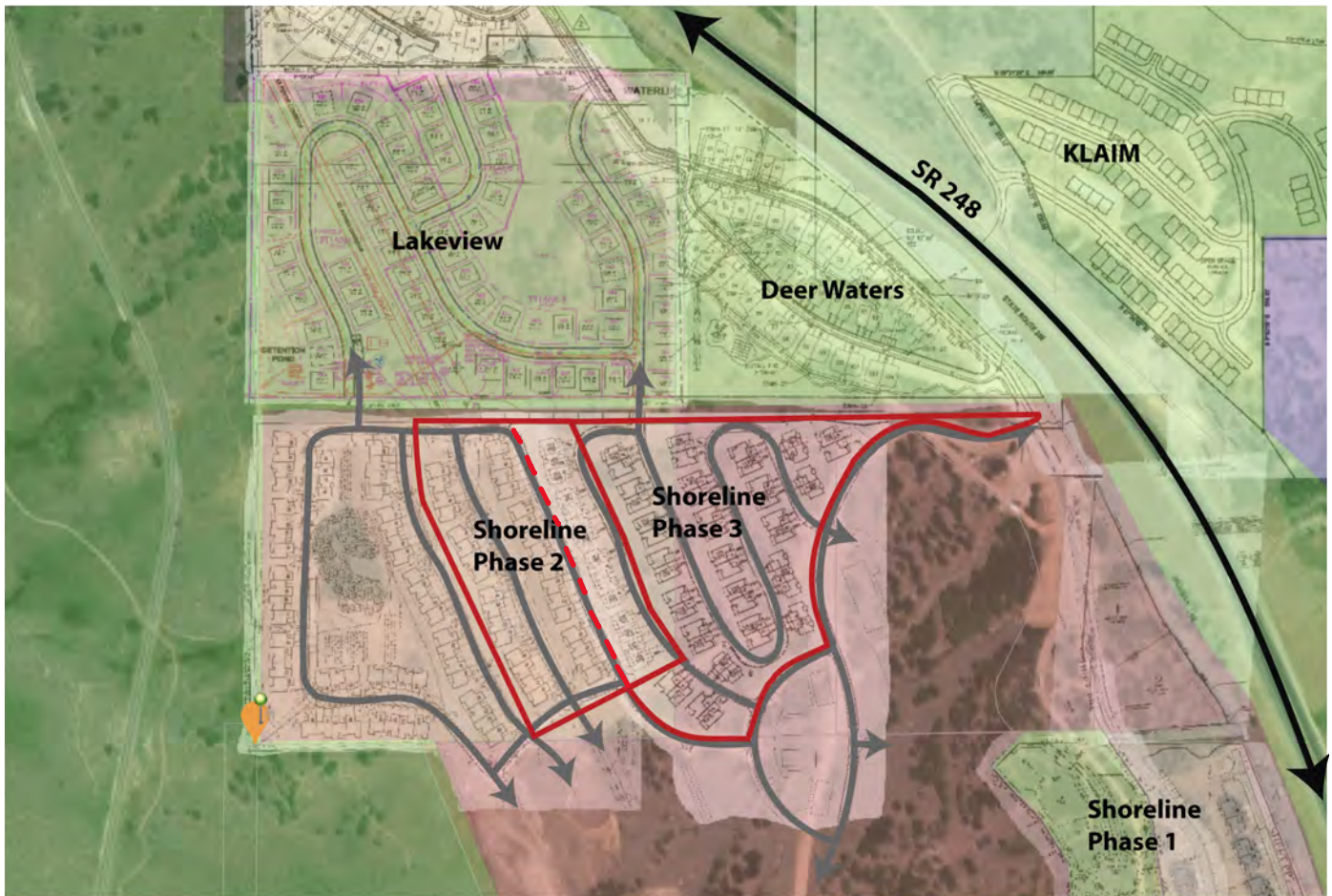


- Phase 3 is also located in the Resort Village Medium Density (RVMD) zoning district (a specified designation under the RSPA Zoning District).
- There is a Master Development Agreement (MDA) for this project, dated March 11, 2010.

Town Map - Location of Proposed Subdivision



Immediate Site Context Map





B. General Planning Findings

Phase 2 (Amended)

1. The Applicant previously submitted a subdivision application for Phase 2 and, with the changes proposed, is submitting an amended Final Subdivision Application for Phase 2 (Amended).

This application/review is for Final Subdivision review and approval for Phase 2 (Amended).

2. All of Phase 2 infrastructure (including roads) has been built; the proposed amendment is to move lots 2 – 16 from Upside Drive (uphill lots) to Sailwater Lane (downhill lots) to accommodate increased desirability and marketability associated with downhill lots.
3. Visitor parking: Phase 2 Amended includes two (2) off-street parking spaces. There are a total of 44 visitor spaces in Phase 2.

The Planning Commission forwarded a favorable recommendation for the Final Subdivision for Phase 2 (Amended) agreeing that moving the 15 lots to Phase 3 made sense where Phase 3 includes the road from which access will be provided.

Phase 3

1. The Applicant received a general preliminary plat approval for Shoreline Village on December 8, 2016 from the Town Council (attached). The preliminary plat was approved with the condition that road access to SR 248 is to be resolved and water and sewer rights must be confirmed.

This application/review is for Final Subdivision review and approval for Phase 3. Road Access to 248 has been resolved. The Applicant must confirm all water and sewer rights for the density proposed.

2. The width of the proposed roads (pavement/cart way) as well as right-of-way area should be clearly noted on the supporting plans.

The Town Engineer, with the recommendation of the Wasatch County Fire District, requires 26'-0" of asphalt plus curb and gutter. The Applicant is proposing the following options:

- 23'-0" plus curb and gutter allowing for 26'-0" for asphalt and pan



- 26'-0" of asphalt with a reduced high back curb and gutter
- 26'-0" of asphalt with native grass swales on either side (no formal curb and gutter)

Background Information:

- The Town adopted new road standards in 2020, in part, to address the concerns Wasatch County Fire raised regarding the width of the roadway needed to setup to fight a structure fire.
- The applicant is vested under the 2009 code and 2010 MDA; and except for health, safety and welfare concerns, the 2020 road changes are not required for this development.
- The health safety & welfare components of the Code are summarized in 10.08.14.1 and International Fire Code D103.1. The code states 26 feet of asphalt plus the shoulder / curb & gutter. The Hideout standard gutter is 2'-6", making the typical roadway 31 feet in total width.
- APWA standards (adopted in the 2016 and 2020 Code by reference) has several 2-foot typical curb sections, staff has recommended a 2-foot standard curb for a total road width of 30-feet.
- Since the 2020 Code adoption, staff has required five (5) developments with preliminary or final approval to redesign their development to comply with the new Town Code road width requirements per Section 10.8.14.1.

Town Engineer – Detailed Analysis of Proposed Options

- The Applicant is currently proposing three (3) road alternatives, two (2) of which combine the gutter and the drivable surface to create a roadway that is 28 feet in total width and one that proposes 26 feet of asphalt and 3-foot earth / grass swales for a total of a 32-foot cross section.
- The Options 1 and 2 propose to combine the gutter and the drivable width which does not comply with 10.08.14.1. The safety concern with these alternatives is that in the winter snow and ice often melt and refreeze in the gutter forming an unsafe surface to deploy fire apparatus. Additionally, Wasatch County Fire crews have been trained not to set up apparatus outside of the asphalt surface.
- Preferred option by the Town Engineer: Option 3 proposes 26 feet of asphalt with 3-foot swales on each side of the road for a total of 32 feet in width. Option 3 complies with 10.08.14.1 so long as the swales are continuous along the roadway.

The Town Engineer finds that Option 3 is acceptable with the conditions listed below:



1. No right-of-way width is illustrated and must be included on the plats.
2. All roads in Phase 3 will be required to be stripped for both auto and pedestrian use.
3. Grass swales are a preferred storm water quality practice by the EPA and UDEQ and can, in places, reduce the drainage infrastructure.
4. The Applicant shall provide an acceptable means for the proposed driveway to cross the swale with limited disturbance in the storm water flow.
5. The Applicant shall demonstrate the storm water 10-year event can be adequately conveyed in the proposed swale and any proposed piping.
6. The Applicant shall demonstrate the 100-year storm would be contained or routed safely without property damage.
7. The swales must be included in the ROW to allow for future maintenance.
8. Without a complete grading plan guard rails maybe required where retaining walls are near the roadways.
9. A Landscape Plan for the swales will need to be submitted to support water quality, conveyance and aesthetics.

- b. Visitor parking: Phase 3 includes 26 spaces. The Applicant shall work with Planning and Engineering staff to determine whether retaining walls are required for the majority of these spaces. Final details of any retaining walls and the location of the spaces (including heights and materials) should be provided.
- c. The vertical alignment of the road connecting Shoreline Phase 3 (north side) and Lakeview Estates must be adjusted to match the approved Lakeview Estates construction plan set. The Applicant is currently working with his engineer to correct datum elevations to ensure a seamless connection.

The Applicant is coordinating this work with the Town Engineer and the adjacent developer.

3. The Open Space Tabulation Chart for the proposed Phase 3 Subdivision calculations indicates:

Open Space Area: 234,246 SF

Impervious Area: 189,684 SF

Total Area: 423,970 SF 9.7 acres total



Open space, parks, and trails has been included on the plan for the Parks, Open Space & Trails (POST) committee to review and provide input and, ultimately, sign-off.

- a. Section 13.1.1 of the Master Development Agreement (MDA) requires 25% of the Project shall be Open Space.

Per the 2010 MDA, this is defined as any land that is not covered by buildings or roads. While this does not meet industry best practices for open space, the MDA allows for this very loose definition of 'open space.' Industry best practices and Town Code define open space as:

- Code: *Open Space. An area of open land, with little or no land disturbance, preserved, enhanced and/or restored in order to maintain the natural, scenic, ecological, cultural, hydrological, geological, or agricultural values of the land. Open Space may include trails and park bench style seating; interpretive signage and kiosks for educational purposes; and agricultural activities.*

- b. The Applicant submitted the following chart indicating the open space requirements of the MDA. The 2010 MDA defines 'open space' as any space not covered by a building, road or parking – in other words, any pervious surfaces count toward the subdivision's open space calculations. While this does not meet the Town's Zoning Ordinance definition nor industry 'best practices', the Applicant is vested pursuant to the 2010 MDA.

Opens Space % for GCD/Shoreline Sites				
	SF total	Impervious SF	Open SF	% open
Rustler	874,285	323,090	551,195	63%
Shoreline 1	792,129	248,716	543,413	69%
Shoreline 2	852,668	418,319	434,349	51%
Shoreline 3	423,930	189,684	243,246	55%

Open is defined as all common areas
outside any hardscape: Buildings, drives, roads, parking

Based upon the MDA, the Applicant meets the open space requirements with 55% of the land designated as open space. The Parks, Open Space & Trails Committee (POST) should review the plan and confirm the location of the proposed trails and connection points as well as construction typology.

At the June 2, 2021 Town Council meeting, Council members requested a review of the open space based upon current Town Code standards



recognizing the Applicant is vested under the 2010 MDA. Section 10.8.34 of the Town Code addresses open/public space. Based upon the formula, a 47-lot subdivision requires 1.41 acres of public/open space (or 15% of the 9.7-acre Phase 3 subdivision). This public/open space is further refined as follows:

- **47 Lot Subdivision:** Per the current Town Code, ‘subdivisions between twenty-one (21) lots and fifty (50) lots shall provide amenities such as a park with play equipment or a dog walking park or a large community garden space with designated plots for residents.’
 - **Public Trails** shall be required within each development. Any public trails and Public Spaces shall be either be dedicated to the Town of Hideout or include a Public Access Easement dedicated to the Town.
 - **To the greatest extent possible, open space shall be contiguous.**
 - **Unless approved by the Town Council, the following shall not count toward Open Space Requirement calculations:**
 1. **Detention/retention basins and other stormwater infrastructure.**
 2. **Lots and Lot setbacks.**
 3. **Roads and sidewalks.**
 4. **Parking and drive aisles.**
 - **Based upon the current Town Code standards, only the trails (estimated at +/- 3% - 5% of the total subdivision area) would count toward public/open space.**
- c. Preliminary plans submitted to the Planning Commission in 2016 included 6.7 miles of pedestrian-only trails and/or sidewalks (for all of Shoreline phases) along proposed roads.

The proposed trails include the following:

One is proposed along the northern part of the property, connecting Upside Drive to Shoreline Drive serves as the only east/west bike/ped connection to the main north/south road linking Shoreline to the remainder of the community. The other connector trail, north/south trail, is proposed along Deepwater Drive (within the powerline easement) connects into this trail and provides easy access for Shoreline Phase 2 and Phase 3 residents to connect to the trail system.

- **These trails should be a minimum of 6'-0" wide with an asphalt surface.**



- Any public trails and Public Spaces shall be either be dedicated to the Town of Hideout or include a Public Access Easement dedicated to the Town. A plat note “to allow public trail easement” should be included on the plat.
- Would the Applicant consider working with the Town to coordinate possible trail connections to the State Park lands by dedicating a 10’x10’ area of land at the location (Phase 2, early construction) where the informal access to the State Park lands and the fence is compromised? For formal access points, the State Park can only consider access if the access point is on Town-owned (public) land. There may be additional access points in subsequent phases of the Shoreline development.

Engineering has the following additional recommendations:

- The trail shown along the northern boundary follows along 2:1 slope in many locations and adjacent to retaining walls in other locations.
- Engineering is concerned that the trail construction is not feasible without incorporating steeper slopes and additional retaining walls.
- It is recommended the trail be relocated to better fit the site. If the trail alignment is maintained, slope stabilization and additional retaining walls may be required.

4. Density: The Applicant shall confirm the total density (ERUs) for the proposed subdivisions.

According to the Town Council minutes from December 8, 2016 when the Council members reviewed and approved the Shoreline Preliminary Subdivision (all phases), the Applicant stated that 590 ERUs for the Shoreline development (all phases) would be used and discussed the project totaling 700 ‘units’. It is worth noting the terminology used to define density allowances within the MDA and with Shoreline is confusing. The 2009 vested Town Code defines density for the RSPA (Resort Specially Planned Area) Area – the base zoning for the 2010 MDA – as:

Density. The number of Equivalent Residential Units (ERU) per acre.

However, the 2009 vested Town Code also allows for use of less than a full ERU for apartments and condos under certain sizes. A ‘residential unit’ or ‘unit door’ that has less than 1,500 SF only consumes 0.75 ERU and a ‘residential unit’ or ‘unit door’ that has less than 1,000 SF only consumes 0.50 ERU. Thus, you could have 700 ‘residential units’ or ‘unit doors’ while only using 590 ERUs. Staff recommends that all parties clearly state when ERUs are discussed as opposed to individual ‘residential units’ or ‘unit doors’.



Phases 1- 3 are proposing 1 ERU per 'residential unit' or 'unit door'. Currently, there have been 50 ERUs used in Phase 1, 47 ERUs proposed for Amended Phase 2, and 62 ERUs are now proposed for Phase 3 for a total of 159 ERUs.

5. Amenities. The Applicant should confirm whether or not commercial development will be coordinated with the other amenities included in the 2016 Preliminary Subdivision plan and the timing of these amenities which have been promised:
 - i. Community swimming pool, amphitheater, bocce ball courts, etc.
 - ii. Splash pad, event lawn, etc.
 - iii. Proposed park area, trails, open space, etc.
 - iv. The Aspen Grove Recreation Park
 - v. The Canyon Recreation Area

The Applicant noted these amenities will be incorporated in the subsequent phases of the overall Shoreline development.

6. Final grading plan and stormwater report: The topography map illustrates existing conditions and proposed conditions but is not clear on areas of cut-and-fill. The Applicant provided a grading plan with a couple of pre- and post-grading points noted that indicate a change of approximately 2'-0".

While the Town of Hideout's code limits grade changes, the Applicant is exempt due to vesting with the 2010 MDA (and 2009 Town Code). Staff review of the MDA found that Section 11.2 requires approval of a grading plan prior to any construction and that will be reviewed and must be approved by the Town Engineer. Additionally, the Applicant should work with the Town Engineer regarding the prior placement of and permitting for the above-ground utility poles.

Per the Town Engineer:

Because the roadway cross section has not been determined, the Applicant has not been able to prepare a final grading plan or storm water report. In the absence of a final plan, engineering recommends the following conditions of approval:

- a. An updated storm drain report be submitted documenting the following:
 - i. Developed discharge is equal to or less than pre-development.
 - ii. Storm drain conveyance designed to convey the 10-year event.
 - iii. Documentation that the 100-year storm can be conveyed without property damage.



b. A final grading plan be submitted showing the final roadway section & swales:

- i. Denote stabilization of all slopes, require slopes to be stabilized prior to subdivision acceptance.
- ii. Grading plan will need to include any trails included in the development.
- iii. Complete retaining all designs submitted and approve prior to construction.

7. Road Name

Per Town Engineer discussions with County GIS, Deepwater Drive becomes Laguna Drive through the Lakeview Subdivision. Industry standard is to keep road naming consistent when through road transitions from one subdivision to the next. It is recommended that one road name be selected for both developments.

8. The plans illustrate only three (3) proposed retaining walls for Phase 3 and none for Phase 2 (Amended). The Applicant shall confirm whether this is accurate or if more are proposed:

- a. One is located on the north side of the proposed Phase 3 (between Deepwater Drive and the Lakeview boundary. The second is located to the east of this one and is also on the Lakeview boundary.
 - The Applicant indicated the first wall is proposed at 8'-0" high and the second wall is proposed at 5'-0" high and both will be constructed of stacked boulders.
- b. The third wall proposed is along Deepwater Drive, along the southernmost area near the loop.
 - The Applicant proposes this wall to be 8'-0" high and also constructed of stacked boulders.

The Applicant submitted a site plan with the location of the retaining walls identified. None of the walls exceeds 8'-0" in height as proposed. Town Staff will work with the Applicant to determine if adequate space exists to tier the walls as required by the current Town Ordinance (not required due to vesting with the 2010 MDA/2009 Town Code). Two of these walls are located along the property lines and very close to proposed retaining walls for the adjacent subdivision (Lakeview



Estates). These should be coordinated with the adjacent development to eliminate any unnecessary walls.

9. A final Landscape Plan must be provided for review and approval by the Town Planner. This must include the location for all proposed trees, shrubs, and planting beds including the botanical names, quantities, and size at time of planting:
 - a. *Code: At time of planting, all required deciduous trees shall have a minimum of two-inch caliper in size. All evergreen trees shall be a minimum of six feet in height. All shrubs shall be a minimum of five gallons in size.*

The Applicant submitted a Landscape Plan with some specific planting typology for sample units. The plan will need to be amended with some additional information and Staff will coordinate with the Applicant. The Town may require additional information and detail specifically for some of the common areas (which should be re-vegetated with a mix of native vegetation and grasses) and additional variation for the limited common areas around the proposed units.

The existing white gravel emergency access road will be removed when construction is complete and all necessary ingress/egress roads are complete. This will be landscaped with native vegetation.

10. The Applicant has three (3) distinct building elevations. The current Town Ordinance requires that no more than 20% of the units in the development can have the same elevation. With 46 units proposed if the current code applied, the Applicant would need a minimum of nine (9) distinct building elevations:
 - a. *Code: Major Subdivisions (6 lots or more) shall not have greater than twenty (20%) of the structures with the same elevation and, in no case, shall any two (2) similar structures be located adjacent to each other or directly across the street. The differentiation of each structure shall be a combination of unique roof lines, garage step backs, entry/porch location and canopy, fenestration, building materials, and colors.*
 - b. A detailed set of building elevations must be submitted to ensure compliance with the Town's Building Design Standards.

The Applicant agreed to provide additional building elevations – three have been proposed. Since the Applicant is vested under the 2010 MDA, the current Town Ordinance requirement for nine (9) elevations is not applicable. The Applicant shall confirm the following:

- **The Applicant noted that there will be mirrored options for these three elevations to essentially create six elevations.**



- The Applicant proposes a 6'-0" jog in the front and rear elevations to enhance the articulation between connected units.
- The Applicant proposes a 1'-0" building height difference for connected units. Is this via a change in truss construction or a difference in finished floor elevation?

C. Staff Recommendation

The June 2nd Special Meeting of the Town Council was the first opportunity for the Council members to see the proposed project, hear from the Applicant, and provide input. That meeting served as a very informative 'work session' opportunity. The updated information from the Applicant appears to have addressed many of the concerns of the Council members at that first meeting.

Given the progress made over the past six weeks, if the Town Council decides to vote on these subdivisions, the following is Staff's recommendation:

Phase 2 (Amended)

Staff recommends that the Town Council review the amended Phase 2 subdivision, discuss the input from the Town Planner and Town Engineer, and recommend Approval for the Final Subdivision for amended Phase 2 based upon the Findings of Facts, Conclusions of Law and Conditions of Approval as identified in the proposed Ordinance based upon the information included in this joint Staff Report from the Town Planner and the Town Engineer.

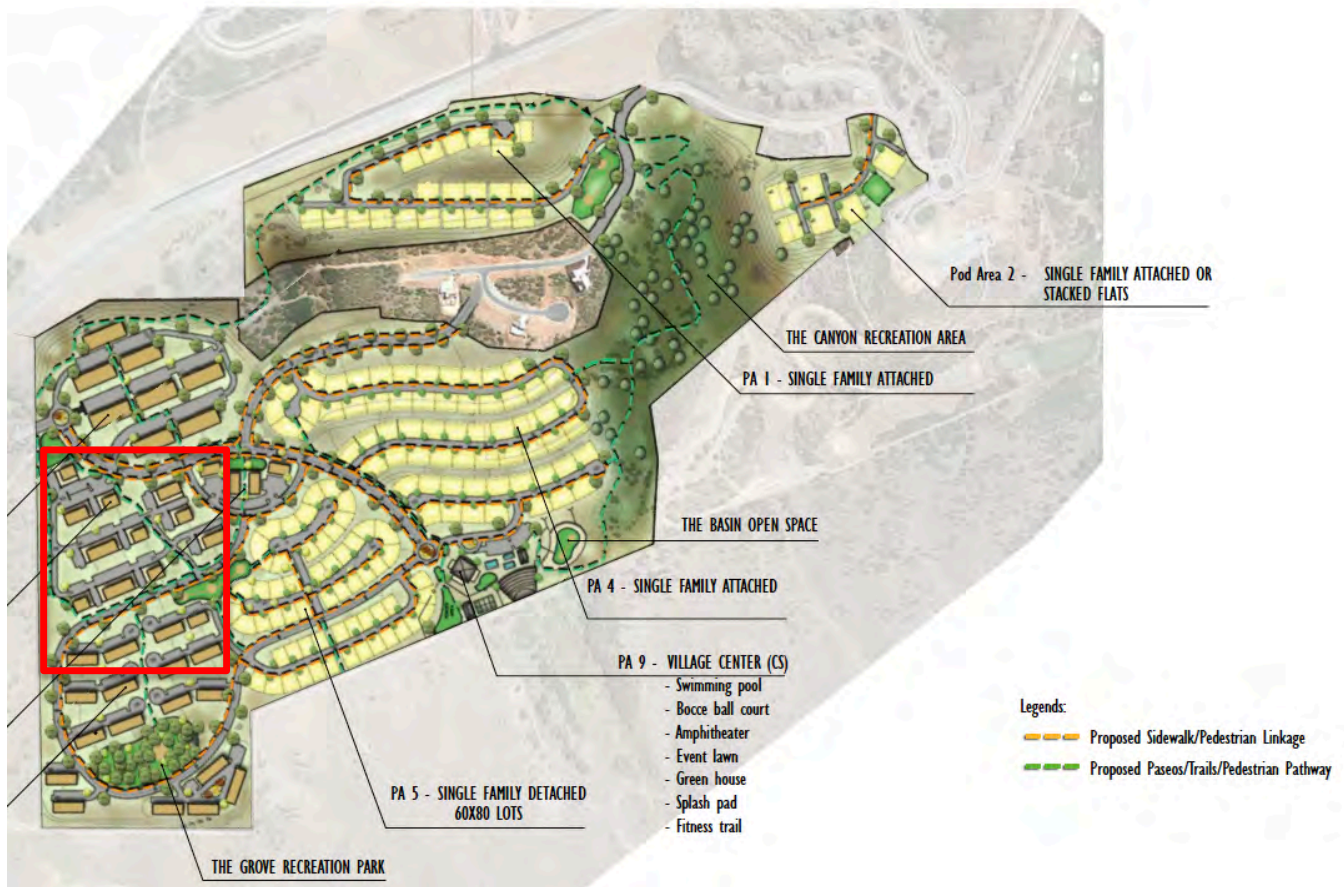
Phase 3

The Applicant has worked closely with Staff since the April 28, 2021 Planning Commission meeting. The issues of architectural variation, vertical and horizontal articulation, landscaping, retaining walls, etc. for Phase 3 have been significantly addressed. Option 3 (26'-0" of asphalt and 3'-0" wide swales on both sides of the road) for the road width proposal meets the requirements for health, safety welfare standards per the Town Engineer. These were the issues discussed by the Planning Commission and not adequately addressed at the April 28, 2021 meeting which resulted in a negative recommendation from the Planning Commission. The progress made over the past six weeks demonstrates a partnership approach to future planning and development within the Town of Hideout.

Staff recommends that the Town Council review the proposed subdivision, discuss the input from the Town Planner and Town Engineer, and recommend Approval for the Final Subdivision for Phase 3 based upon the Findings of Facts, Conclusions of Law and the Conditions of Approval as identified in the proposed Ordinance based upon the information included in this joint Staff Report from the Town Planner and the Town Engineer.



Exhibit A
General Location of Phases 2 & 3 per the Concept/Preliminary
Submittal in December 2016



DRAFT Ordinance 21-XX

**AN ORDINANCE TO APPROVE THE SHORELINE
PHASE 2 (AMENDED) & PHASE 3 SUBDIVISIONS,
LOCATED IN HIDEOUT, UTAH**

WHEREAS, owners of the property known as Shoreline 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 for the Planning Commission meetings on February 6, 2021 and March 6, 2021 and on the Utah Public Notice website on February 6, 2021 and March 6, 2021 according to the requirements of the Hideout Municipal Code; and

WHEREAS, legal notice of the public hearing was published on the Utah Public Notice Website and the Town Website on March 8th, 2021 for the Planning Commission meeting held on March 8th, 2021, and noticed on May 25, 2021 for the Town Council meetings on June 2nd, 2021, continued on June 10th, 2021, and continued to June 24th, 2021 according to the requirements of the Hideout Municipal Code; and

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

WHEREAS, the Planning Commission, on April 28th conducted a public hearing and forwarded a negative recommendation for Phase 3 to the Town Council; and

WHEREAS, the Planning Commission, on April 28th conducted a public hearing and forwarded a positive recommendation for Phase 2 Amended to the Town Council; and

WHEREAS, on June 2nd, 2021 and June 24th, 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 Shoreline Phase 2 Amended & Shoreline Phase 3 Subdivision plats because these subdivision plats comply, as conditioned, with the applicable Hideout Municipal Code, the Master Development Agreement (MDA) and the Technical Reports prepared by the Town Staff or 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 property is located within the Town of Hideout along Recreation Drive.
2. For Phase 2 Amended, the total plat area is approximately 9.48 acres and includes 47 lots.
3. For Phase 3, the total plat area is approximately 9.71 acres and includes 62 lots.
4. Zoning for the property is the Resort Village Medium Density (RVMD) zoning district (a specified designation under the RSPA Zoning District).

5. The Town of Hideout entered into a Master Development Agreement (MDA) with the Master Developer on March 11, 2010.
6. Pursuant to the 2010 Master Development Agreement, any house constructed greater than 5,000SF in size will use more than 1 ERU..
7. All existing and required easements shall be incorporated onto the plat, including utilities, storm drainage, access, trails, snow storage, etc.
8. Town Staff, the Planning Commission, Fire District and the Town Council found health and safety concerns regarding the initial road alignment and road widths associated with this plat. The Wasatch County Fire Marshall recommended the road widths at 26'-0" wide for asphalt plus curb and gutter (in accordance with the Town's Ordinance requirements).
9. The Applicant proposes a 26'-0" wide road of asphalt with native grass swales (option 3) which is acceptable to the Town as conditioned below:
 - a. No right-of-way width is illustrated and must be included on the plats.
 - b. All roads in Phase 3 will be required to be stripped for both auto and pedestrian use.
 - c. Grass swales are a preferred storm water quality practice by the EPA and UDEQ and can, in places, reduce the drainage infrastructure.
 - d. The Applicant shall provide an acceptable means for the proposed driveway to cross the swale with limited disturbance in the storm water flow.
 - e. The Applicant shall demonstrate the storm water 10-year event can be adequately conveyed in the proposed swale and any proposed piping.
 - f. The Applicant shall demonstrate the 100-year storm would be contained or routed safely without property damage.
 - g. The swales must be included in the ROW to allow for future maintenance.
 - h. Without a complete grading plan guard rails maybe required where retaining walls are near the roadways.
 - i. A Landscape Plan for the swale will need to be submitted to support water quality, conveyance and aesthetics
10. The final plats shall be approved and signed by the Jordanelle Special Services District to ensure that requirements of the District are addressed.
11. Snow storage areas have been delineated on the plats.
12. Each Phase has a separate final subdivision plat associated with it.
13. Right-of-way width shall be included on the plats.
14. All roads in phase 3 will be required to be stripped for both auto and Pedestrian use.

Conclusions of Law

1. The subdivision plats comply as conditioned with Hideout Municipal Code requirements as provided in the 2010 Master Development Agreement (MDA).
2. The subdivision plats are consistent with the applicable State law regarding subdivision plats.
3. The subdivision plats comply, as conditioned, with the recommendations of the Wasatch County Fire Marshall in terms of road widths and emergency access requirements.
4. Approval of the subdivision plats will not adversely affect the health, safety and welfare of the citizens of Hideout.
5. This Ordinance is for approve of Shoreline Phase 2 (amended) and Phase 3 and is not for any subsequent phases.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the subdivision plats for compliance with State law, the Hideout Municipal Code, the Master Development Agreement (MDA).
 - a.

- b. The MDA, Section 11.2, requires approval of a grading plan prior to any construction. No grading is permitted without Town Engineer and Town Planner approval.
2. All proposed units part of Phase 2 Amended and Phase 3 will contain less than 5,000 square feet (gross building area) in order to use no more than 1 ERU in accordance with Appendix 5 of the 2009 Code.
3. The Applicant shall provide confirmation of water rights allocation from JSSD.
4. The Applicant shall provide confirmation of sewer service.
5. Notes allowing for non-exclusive public utility easements in the common areas shall be indicated on the plats as requested by the Town Engineer and JSSD; these notes/designated area must consistent with the utility plan, including drainage easements.
6. All existing and required easements, based on review by the Town Engineer, Town Planner and JSSD must 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.
7. All approved public trails (and public access easements), consistent with the Master Development Agreement (MDA), the Parks Open Space & Trails (POST) Plan, and the Preliminary Plan presented to the Planning Commission in 2016, shall be shown on the plats.
8. All streets should be constructed in accordance with the current Town requirements (a minimum of 26'-0" of asphalt) and a paved bike lane shall be incorporated into all new streets.
9. The Applicant agreed to build duplex units with a minimum of three different building designs and these shall also be mirrored (each design replicated in reverse) creating essentially six different building types for Phase 3.
10. The submitted construction plan set does not include the necessary details for the proposed retaining walls. Prior to the award of any construction permits, this 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 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. Trails: Proposed trails (and surface type) have not been proposed or detailed and must be completed for Phase 2 Amended and Phase 3 and included on the construction plan set and noted on the proposed subdivision with an easement to allow public use for pedestrians and bikes. Final materials and layout must be reviewed and approved by the Town Planner and Town Engineer before issuance of any Certificates of Occupancy.
 - a. These trails should be a minimum of 6'-0" wide with an asphalt surface.
 - b. Any public trails and Public Spaces shall be either be dedicated to the Town of Hideout or include a Public Access Easement dedicated to the Town. A plat note "to allow public trail easement" should be included on the plat.
12. Streetscape amenities; lighting, signage, etc. shall be provided – construction details, sign type (if proposed), and materials/colors must be included in the plan set for review and approval by the Town Planner and Town Engineer before any construction permits are awarded.
13. An updated Landscape Plan shall be provided for all of Phases 2 Amended and 3 for review. This plan shall include street trees (minimum 2" caliper at time of planting and

minimum 6'-0" high for evergreens), native shrubs (minimum 5 gallon size at time of planting), common area and yard landscaping, entry features, and slope stabilization plantings where necessary – particularly for slopes greater than 30%. The Applicant shall work with the Town Planner to finalize this Landscape Plan. Visitor parking: Phase 3 includes 26 spaces. The Applicant shall work with Planning and Engineering staff to determine whether retaining walls are required for the majority of these spaces. Final details of any retaining walls and the location of the spaces (including heights and materials) should be provided.

14. The vertical alignment of the road connecting Shoreline Phase 3 (north side) and Lakeview Estates must be adjusted to match the approved Lakeview Estates construction plan set. The Applicant is currently working with his engineer to correct datum elevations to ensure a seamless connection.
15. An updated storm drain report be submitted documenting the following:
 - a. Developed discharge is equal to or less than pre-development.
 - b. Storm drain conveyance designed to convey the 10-year event.
 - c. Documentation that the 100-year storm can be conveyed without property damage.
16. A final grading plan be submitted showing the final roadway section & swales:
 - a. Denote stabilization of all slopes, require slopes to be stabilized prior to subdivision acceptance.
 - b. Grading plan will need to include any trails included in the development.
 - c. Complete retaining all designs submitted and approve prior to construction.
17. An updated name must be assigned to "Deepwater Drive" to match with Lakeview Subdivision to keep the name consistent.
18. The Applicant submitted a Landscape Plan with some specific planting typology for sample units. The plan will need to be amended with some additional information and Staff will coordinate with the Applicant. The Town may require additional information and detail specifically for some of the common areas (which should be re-vegetated with a mix of native vegetation and grasses) and additional variation for the limited common areas around the proposed units.
19. Year round secondary access must be available upon Certificate of Occupancies.
20. The existing white gravel emergency access road will be removed when construction is complete and all necessary ingress/egress roads are complete. This will be landscaped with native vegetation.

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

PASSED AND ADOPTED this XXth day of XX, 2021

TOWN OF HIDEOUT

Phil Rubin, Mayor

ATTEST:

Alicia Fairbourne, Town Recorder

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Exhibit

Exhibit C - Minutes from the December 8, 2016 Town Council Meeting

(see the following pages)

TOWN COUNCIL MEETING MINUTES

December 8, 2016

1. **Call to Order and Pledge of Allegiance**

Mayor Pro Temp Dean Heavrin called to order the meeting of the Town Council of the Town of Hideout at 3:35 p.m. on December 8, 2016 at 10860 North Hideout Trail, Hideout, Utah and led the Pledge of Allegiance.

2. **Roll Call**

The mayor pro-temp conducted a roll call. The following Council Members were present:

Dean Heavrin
Hanz Johansson
Cyndie Neel

Absent: Mayor Martino
Doug Egerton
Jim Wahl

Also attending: Town Clerk - Lynette Hallam, Kent Cuillard – Public Works, Nate Brockbank, Bart Caton, Natalie Dean, Cyndee Donaher, David Erichsen, Paul Linford, Mike McGlaufflin, Ron Phillips, Will Pratt, Mike Stewart and Dennis VandenAkker

3. **MINUTES - Consideration and Approval of Minutes for Regular Meeting of October 13, 2016**

Cyndie Neel motioned to approve the minutes for the regular meeting of October 13, 2016. Hanz Johansson seconded the motion. The motion passed unanimously with affirmative votes from Councilors Johansson, Neel and Heavrin.

4. **PUBLIC HEARING – Consideration and Possible Approval, Preliminary Plat for Shoreline Village**

Mike Stewart discussed the handout he had given to the council members; he discussed design imagery, character of the community and the site plan. Mr. Stewart detailed the expertise which has gone into coming up with plan working with topographical characteristics. In the green areas the natural growth will remain with the thistle being cleaned out. The Village Center will be on the west boundary and have a view of the lake and the mountains. Project includes live/work homes. There will be 6.7 miles of pedestrian-only trails.

Council Member Hanz Johansson noted that the meadow basin is wet. Mr. Stewart noted there is nothing being built in that area. Councilor Johansson asked if the trails connected with the State

Park. Mike Stewart said they do not at this point. Retention walls were discussed; Mr. Stewart mentioned they were trying to minimize them.

Councilor Cyndie Neel asked how many acres are included in the development. Mike Stewart said there are around 140 acres. David Erichsen said the density pod of the whole area is being worked as a Resort Village Medium Density; what Mr. Stewart's project which he is bringing in now is not the entire thing. It is required the whole area be master planned together which area is 166 acres. The density of the pod is 3.78 eru's/acre. The overall density of the RSPA is 1.5 eru's per acre; as density gets consumed, land gets consumed. 1.5 eru's will still maintain throughout.

Councilor Hanz Johansson asked if the development would need an exemption. Dave Erichsen said it would not and has been approved already three or four times. The density pod would run with that area and Shoreline Village will be phased over several years. Mr. Erichsen said the project would consume 590 ERU's.

Council Member Hanz Johansson broached the subject of parking. Mike Stewart pointed out the parking areas, including overflow parking. Council Member Cyndie Neel asked if that would be ample parking. Mr. Stewart felt it would be as far as the overall community. A one/two-bedroom unit would have 2½ stalls per home.

David Erichsen asked about the time frames for the project. Mike Stewart replied it was market driven, but they were hoping to break ground on some of the infrastructure in the spring.

Mayor Pro-temp Heavrin inquired about the HOA. Mr. Stewart said it would be separate from Rustler but under the umbrella of the master HOA; each pod would have its own individual HOA under the master HOA.

Mike Stewart commented there was no guest parking put in Rustler. Councilor Johansson commented the driveways in Rustler are too short.

Mayor Pro-temp Heavrin asked where the developer would start. Mr. Stewart they would probably start where you come in and work west. Each pod will be a phase; two or three pods may be going at the same time. It was pointed out the contractors would come in the back way not through Hideout Canyon.

Mayor Pro-temp Heavrin opened the public comment portion of the meeting.

Cyndee Donaher asked about access off of SR248. Mayor Pro-temp Heavrin stated UDOT will not give any more accesses from SR248. Dave Erichsen pointed out the Town wants to push out on Longview Drive to Ross Creek; there is some activity with other property owners. The goal is to work out completion of the road to Ross Creek before the congestion comes in.

Ms. Donaher inquired if the trails along the roads are paved. Mike Stewart replied along the roads, the paseos would be road base at the minimum.

Dennis VandenAkker asked who would maintain the road from Ross Creek. Mayor Pro-temp Heavrin said the Town will plow what they can; it will have to be worked out. David Erichsen stated the Town is not going to take on the burden of the construction access.

Nate Brockbank asked how the density works. Will the developer deed over the open space? David Erichsen explained the property is zoned RSPA there is an approximate acreage of 1300 acres with 1900 ERU's; the ERU's for this development will be pulled out of that pool. Council Member Johansson asked if there is a map of the RSPA zone. Mr. Erichsen indicated there is a delineation and overall designation of the RSPA.

Mr. Brockbank expressed concern about putting 700 people on a roadbase and dirt road. David Erichsen commented worst case scenario would put the commuters on Reflection Lane. It is hard to build a road without property owners and their preferences for development. Mr. Erichsen preferred to look for alternate solutions.

Nate Brockbank discussed the concerns voiced over their project including decreasing values of existing homes and roads. Mayor Pro-temp Heavrin said their project put too much density in a small area. There was further discussion.

Paul Linford asked how many units per acre in this project; David Erichsen replied on the land imprint it is on, it is 4.46. Mr. Brockbank reiterated his concerns about traffic and suggested a traffic study. Mike Stewart reported the Montage development has 1000 homes and only one access; the roads are sufficient. Mr. Stewart stated their goal is to get access off SR248. Town can pave that road because it is in the Town.

Cyndee Donaher asked if they couldn't work with UDOT. Mayor Pro-temp Heavrin declared the Town has worked with them, and UDOT is not too cooperative. David Erichsen added UDOT requires the traffic load to increase substantially, and then they respond. Until warranted, UDOT will not address the issue. Councilor Johansson asked if the Town could require the road be paved as part of the project. David Erichsen reminded this is just the preliminary plat. As finals come in and if the road is not done, the Town could possibly require completion of the paved road. As other property owners develop, they may want a different alignment. Council Member Johansson suggested the Town should have a Master Plan. Mr. Erichsen said that could be looked at in the future. It would be better for developers to decide where they want sewer and water and where the roads should be.

Ron Phillips from Jordanelle Special Service District (JSSD) stated he was at the meeting to have a dialogue about water rights. Mr. Phillips said Hideout doesn't have enough water with JSSD for all of this development. Hideout has 150 acre feet of wholesale water; as of now the Town has about 40 acre feet of 150 already being used. The Town also has reserved 103 acre feet beyond that which a water reservation fee is paid. There are not enough water rights for this size of development. Mr. Phillips recommended the Town begin a dialogue about developers obtaining water rights to be turned over to the Town or JSSD. Mr. Phillips gave the Council a chart of the development path which could be followed; and he encouraged negotiation concerning water rights early in the development process. David Erichsen countered that Hideout has its own water company and its own water engineer who would need to be involved with discussions with JSSD. There are other options. Councilor Cyndie Neel questioned why the Town can get no more water after the reserve is used. Ron Phillips answered that water rights law is very complex. The legal issue of providing water rights is critical.

David Erichsen indicated Steve Jacobsen, the Town's water engineer, has expressed the water rights are adequate. Mr. Erichsen said the water will be proofed up before final plat is granted.

Council Member Hanz Johansson asked if approval could be given for preliminary plat with caveats that water and roads be given more consideration before final.

Dennis VandenAkker asked if there is enough sewer available. Ron Phillips stated certain things have to happen. Nate Brockbank declared they are paying to bring the sewer line to the dam and other developers should help. Mike Stewart stated original developments were bonded and have paid into it for over ten years.

Ron Phillips stated the line off the dam is scheduled to be built in 2023 with impact fees. If developers want to develop before then, they are welcome to get together and cooperate and put up the money to build that earlier and be paid back out of impact fees. Dave Erichsen declared the issues need to be addressed through the Town's contract with JSSD.

Council Member Cyndee Neel voiced her opinion that more information is needed before approval. Dave Erichsen advised the Council could approve the preliminary plan Mike Stewart has brought to the Council and to approve the density pod.

Town Clerk Lynette Hallam opined that the preliminary plat could be approved with conditions attached which would have to be addressed before final plat was granted. The conditions needed were discussed including water, sewer and a second road access. The finals will come in in phases – not the whole project.

Ron Phillips commented one issue with the access road was that JSSD owns property by the Ross Creek pump station. Dave Erichsen pointed out the pump station is under the jurisdiction of Hideout Town. Mr. Erichsen further stated if Longview Drive is moved it would possibly go through JSSD property. There is a pretty wide easement through some of the property. Would have to get cooperation of current landowners to get the best alignment and best grade. Nate Brockbank stated they are pretty close to agreement with the Town concerning their development; they have JSSD's property under contract and anticipate buying that in February.

Cyndee Donaher mentioned the trails committee is working with the Bureau of Reclamation and State Park concerning trails. Has the developer worked with the Bureau and looked at the impact on wildlife, watersheds, etc.? Has there been an environmental analysis? Mike Stewart replied an environmental analysis is not required by the Town Code. They have walked the property and it is primarily scrub oak and sage brush. Natalie Dean pointed out the development is abutting the State Park.

Dave Erichsen regarding roads, everybody is waiting. Councilor Cyndie Neel said her biggest concern is the availability of water. Dave Erichsen assured the developer cannot get a final plat without proving the water is there.

Mayor pro-temp Dean Heavrin closed the public hearing.

Council Member Hanz Johansson motioned to approve the preliminary plat for Shoreline Village with the following conditions: road access to 248 is to be resolved and water and sewer rights must be confirmed. Council member Cyndie Neel seconded the motion. Motion passed unanimously with affirmative votes from Councilors Johansson, Neel and Heavrin.

Councilor Cyndie Neel made the motion to accept the Resort Village Medium Density zoning. Councilor Hanz Johansson seconded said motion. Council Members Johansson, Neel and Heavrin voted "aye" and the motion passed unanimously.

5. **RESOLUTION – Consideration and Possible Approval of #16-002 TOWN OF HIDEOUT FEE & RATE RESOLUTION**

Town Clerk stated all the changes included in the Resolution had been previously approved individually. This action is to update the Fee & Rate Resolution to include those changes.

Council Member Cyndie Neel motioned to approve #16-002 – Town of Hideout Fee & Rate Resolution. Council Member Hanz Johansson seconded the motion. Motion passed with a unanimous vote from Councilors Johansson, Neel and Heavrin.

6. **DISCUSSION ITEM – Discussion of an Ordinance Required Regarding Backflow Prevention**

Town Clerk Hallam explained this is an ordinance required by the Environmental Protection Agency. The actual ordinance will be on next month's agenda. The ordinance will require that once a year the residents will need to have someone come in and inspect the backflow device. The Town can't have anything to do with it other than letting the homeowners know who would be available to do the inspections. The average cost is \$35-\$85. The resident has to let the Town know. If it is not done after three notifications by the Town, the Town will turn the water off. The time each year the test is required could be included in the ordinance. There is a possibility the HOA could be involved in getting this done.

7. **DISCUSSION ITEM – Discussion of Possibility of Plowing Road to Ross Creek**

Council Member Hanz Johansson wondered if it would be possible to plow the snow off the 1660 feet of paved road to the Ross Creek State Park which would allow the State Park personnel to plow the parking lot. Kent Cuillard stated he had talked to Mr. Carlson over maintenance and had been told there was no plans to plow the parking lot. There are signs saying the park is closed for the season. Councilor Johansson said he had talked to Laurie Bacchus and Jason Whittaker who said they were open to the idea. There were concerns about Todd Hollow people may use it for parking, Councilor Neel indicated Todd Hollow has added more parking spaces. Mr. Cuillard stated he plowed to the pump station and has been plowing this year and last year. The road gets plowed when there is time to do so.

8. **CONSIDERATION & APPROVAL OF BILLS TO BE PAID – Approval of Payment of December, 2016 Bills and ratify payment of November, 2016 bills**

Council Member Cyndie Neel made the motion to approve the December, 2016 bills and ratify the payment of the November, 2016 bills. Council Member Johansson seconded the motion. The motion passed unanimously with affirmative votes from Councilors Johansson, Neel and Heavrin.

9. Review Financial Statements, If Needed

No discussion.

10. Public Input

Natalie Dean said she wanted to report the progress of the Hideout Trails Committee, about Hideout Jordanelle Trails at Ross Creek Phase 1. Originally the committee made a proposal for ten miles of back country single track trails. The proposal was revised for three miles of trails and resubmitted it to the US Bureau of Reclamation (USBR) in July. It was designed to align with Jordanelle Resource Management Plan. The committee was awarded a \$17,000 grant through the Regional Trails Program on September 26, 2016. USBR authorized construction to begin on November 3, 2016. Trail construction took place from November 7th through November 16th; the entire trail network was cut by Hans Johansson using the State Park's trail machine. There was a public trail work day on November 13th. The work has concluded for the 2016 season and expected to resume in the spring of 2017. A formal ribbon cutting will be held at completion.

11. Adjournment

Council Member Hanz Johansson made the motion to adjourn the Hideout Town Council Meeting. Council Member Cyndie Neel seconded the motion.

The meeting adjourned at 5:15 p.m.

Lynette Hallam, Town Clerk

Approved: 1/12/17

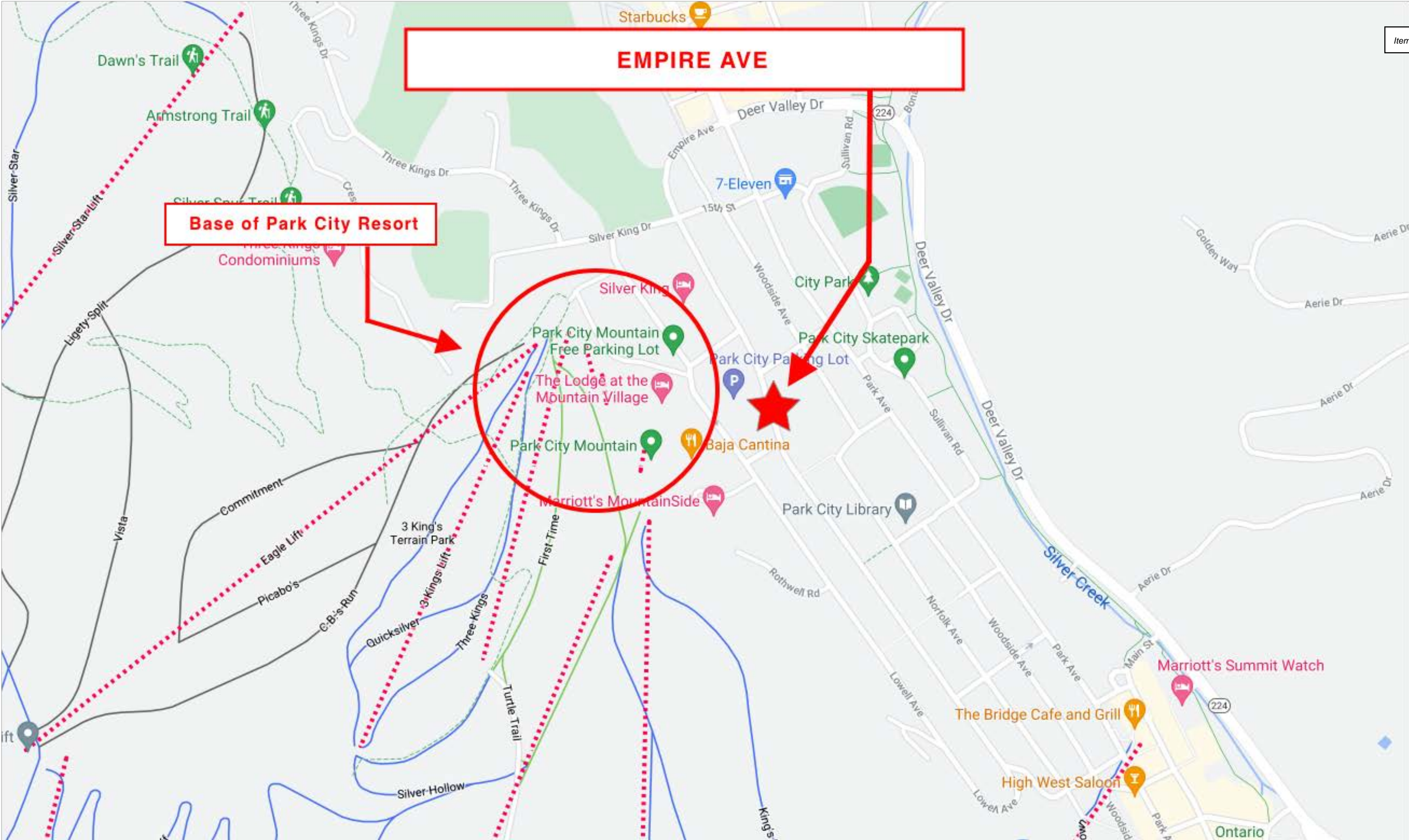
**EMPIRE STREET
(MAIN ROAD PARALLEL TO PARK CITY RESORT PARKING)**

29' 0"

2' 6"

24' 0"

2' 6"



EMPIRE AVE

Base of Park City Resort

Park City Mountain
Free Parking Lot

The Lodge at the
Mountain Village

Park City Mountain

Park City Parking Lot

Baja Cantina

Marriott's MountainSide

Park City Library

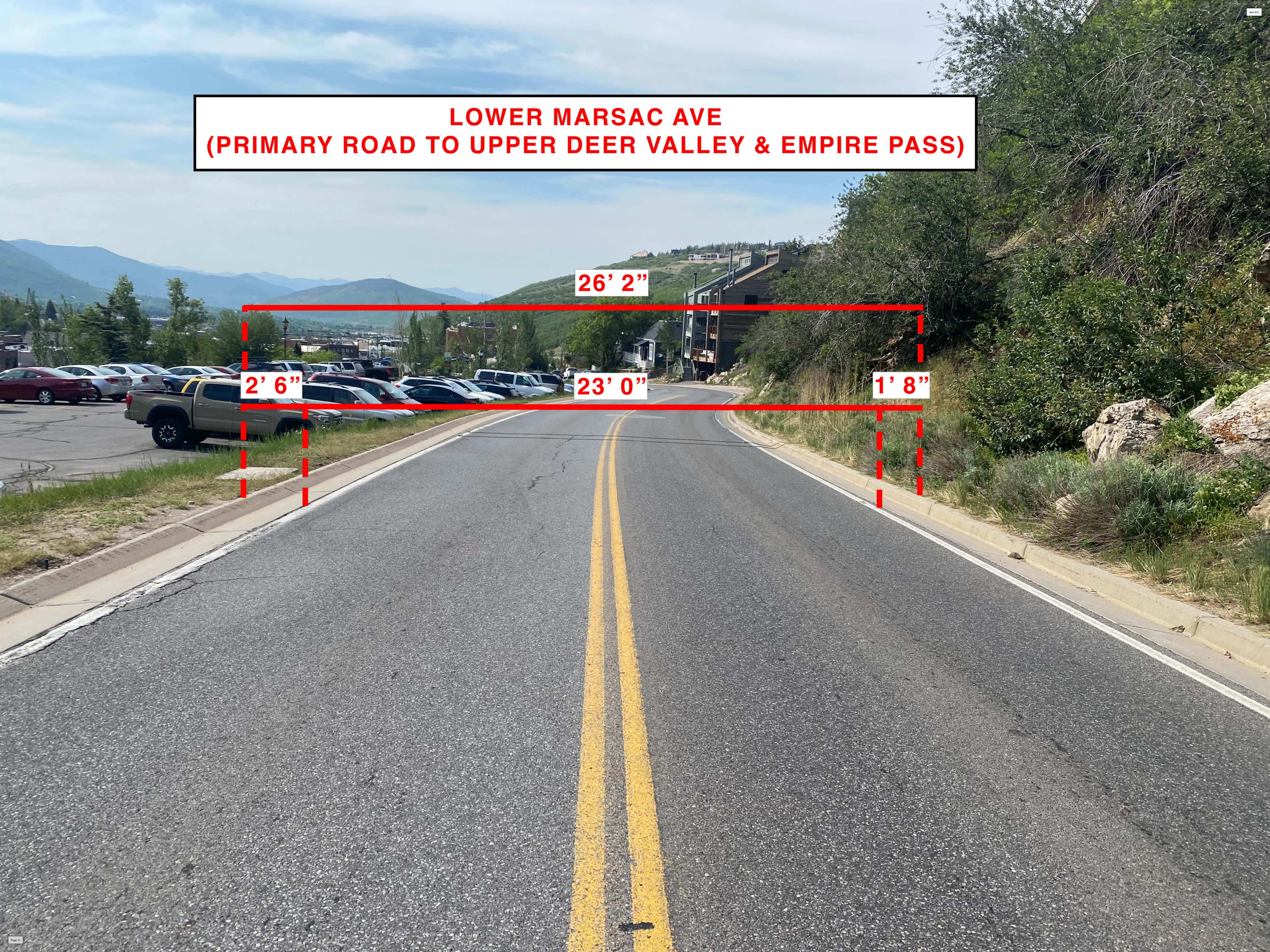
Marriott's Summit Watch

The Bridge Cafe and Grill

High West Saloon

Ontario

**LOWER MARSAC AVE
(PRIMARY ROAD TO UPPER DEER VALLEY & EMPIRE PASS)**



26' 2"

2' 6"

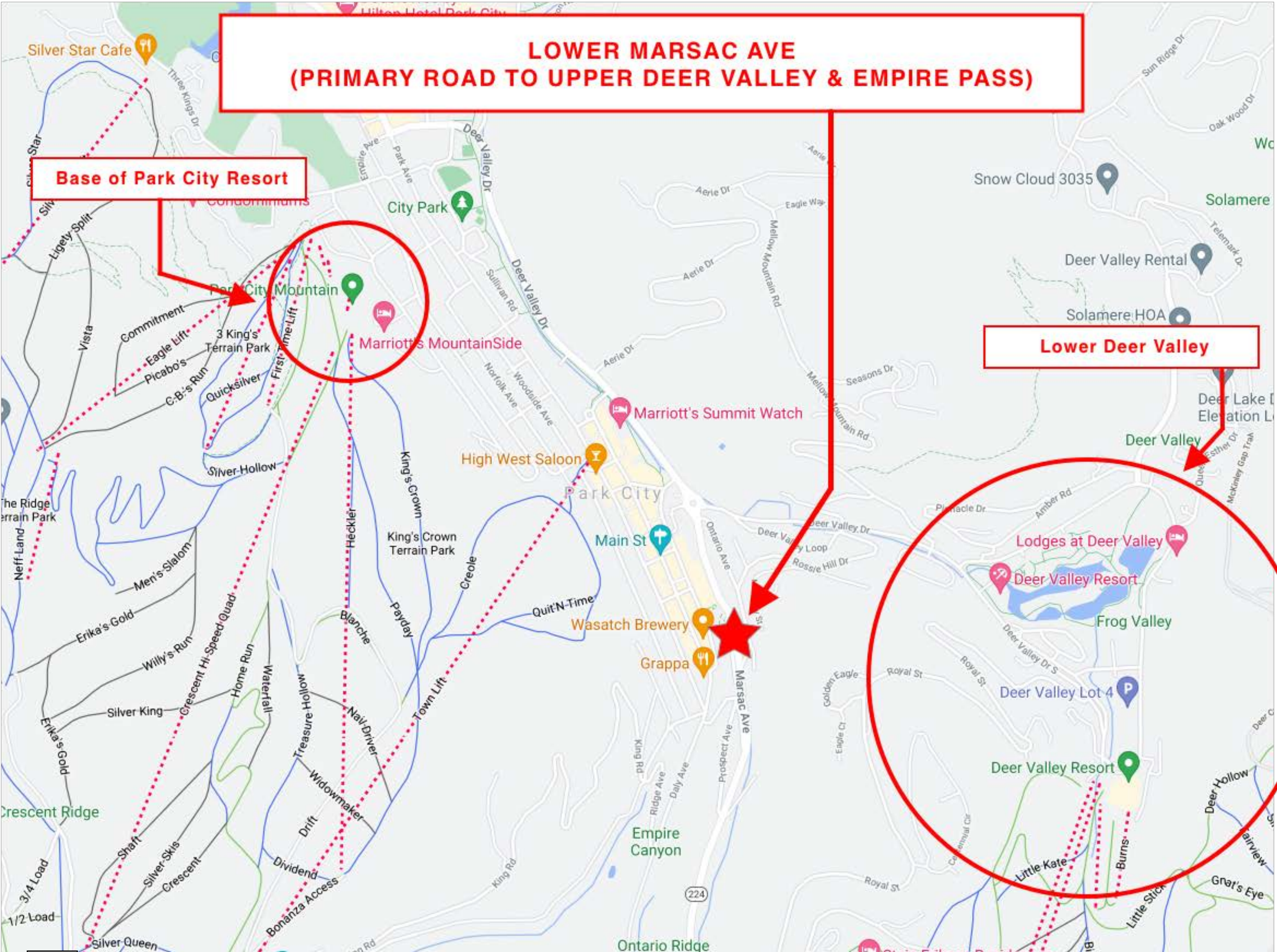
23' 0"

1' 8"

LOWER MARSAC AVE (PRIMARY ROAD TO UPPER DEER VALLEY & EMPIRE PASS)

Base of Park City Resort

Lower Deer Valley



**PARK CITY HEIGHTS MAIN ROAD
(NEW CONSTRUCTION NEAR HIGHWAY 189)
(ON-STREET PARKING ALLOWED)**

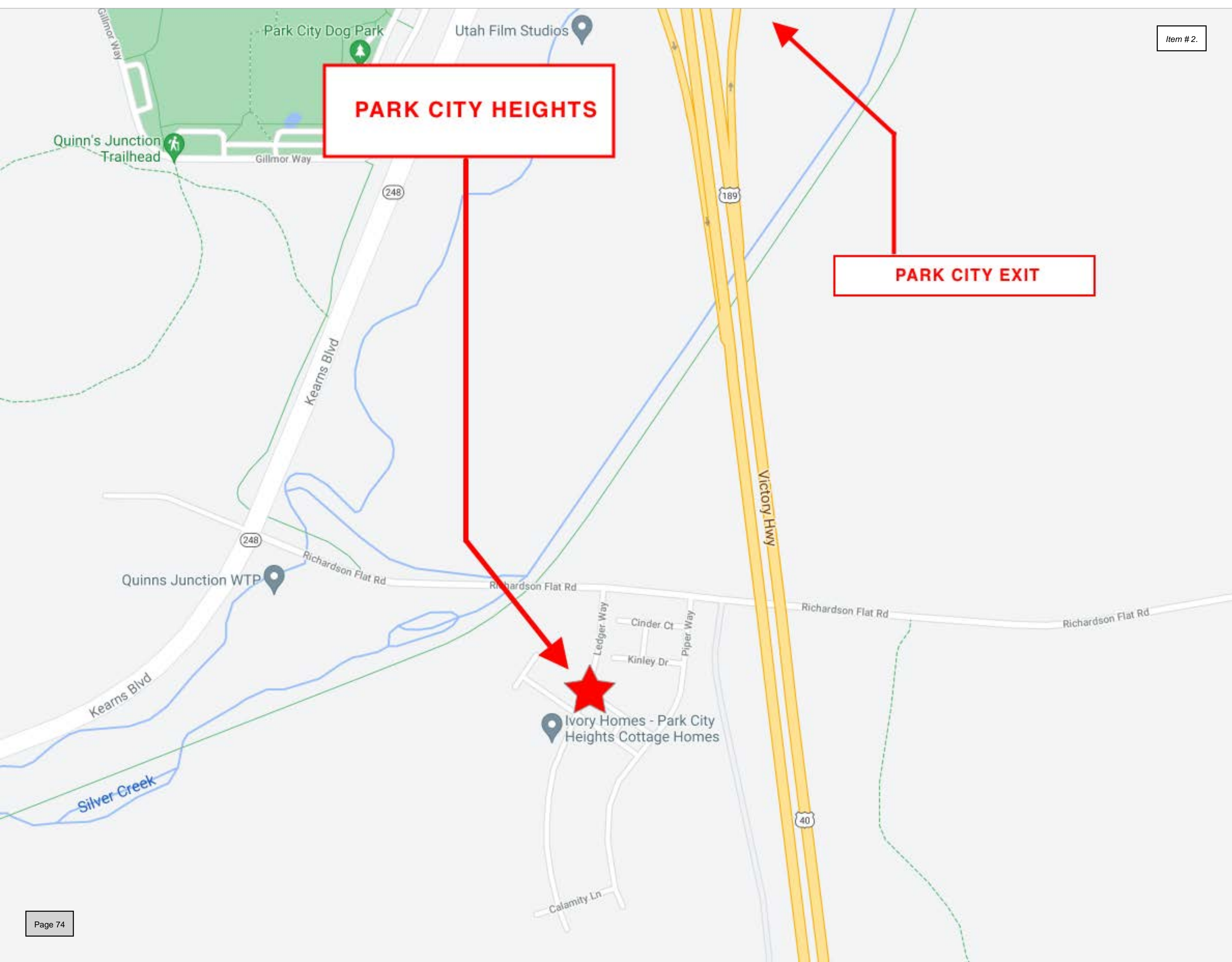


30' 0"

2' 6"

25' 0"

2' 6"



PARK CITY HEIGHTS

PARK CITY EXIT

Ivory Homes - Park City
Heights Cottage Homes

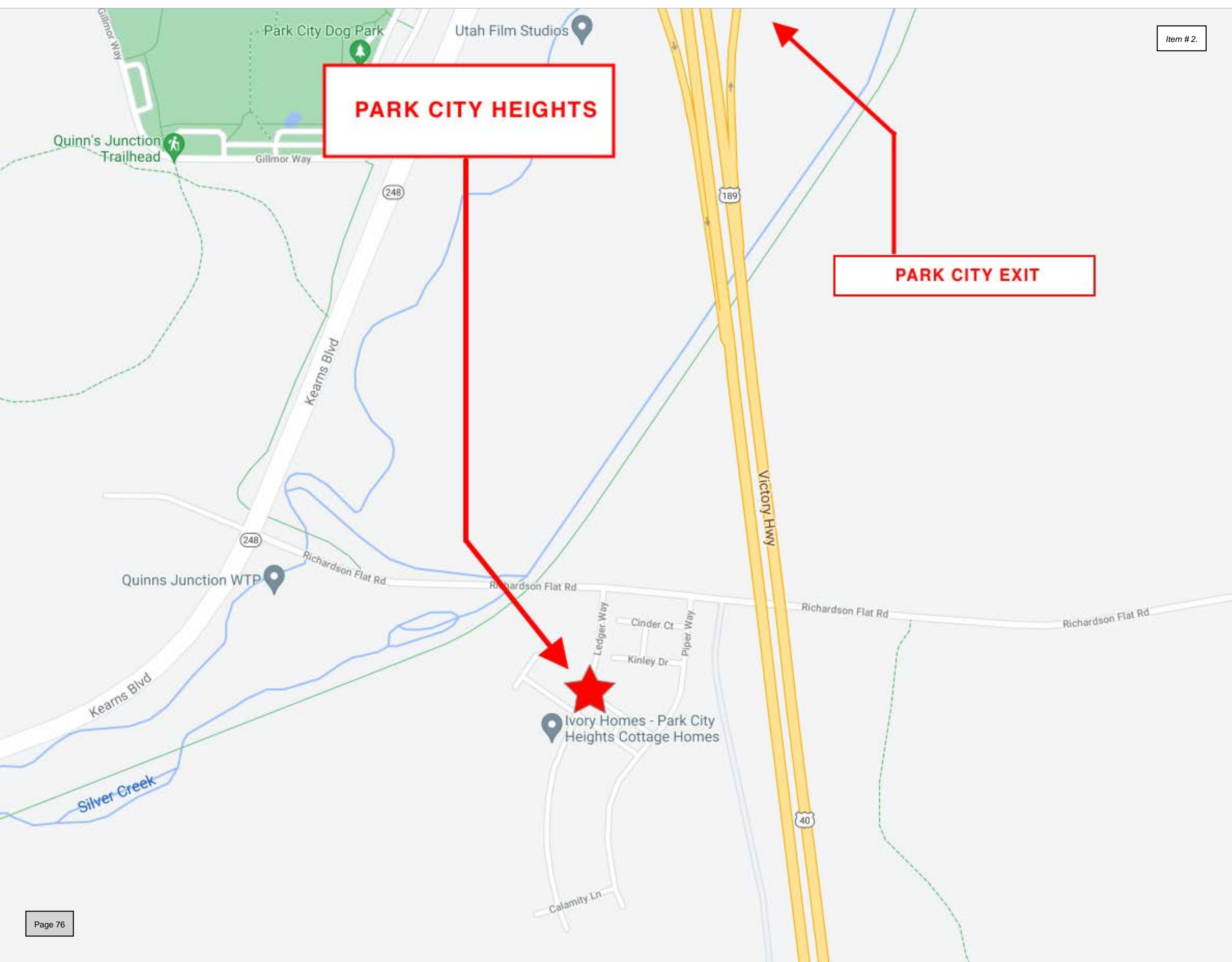
**PARK CITY HEIGHTS SUB-STREET
(NEW CONSTRUCTION NEAR HIGHWAY 189)**

20' 0"

2' 6"

15' 0"

2' 6"



PARK CITY HEIGHTS

PARK CITY EXIT

Ivory Homes - Park City
Heights Cottage Homes

ROTHWELL ROAD (NEW CONSTRUCTION W OF OLD PARK CITY)



25' 6"

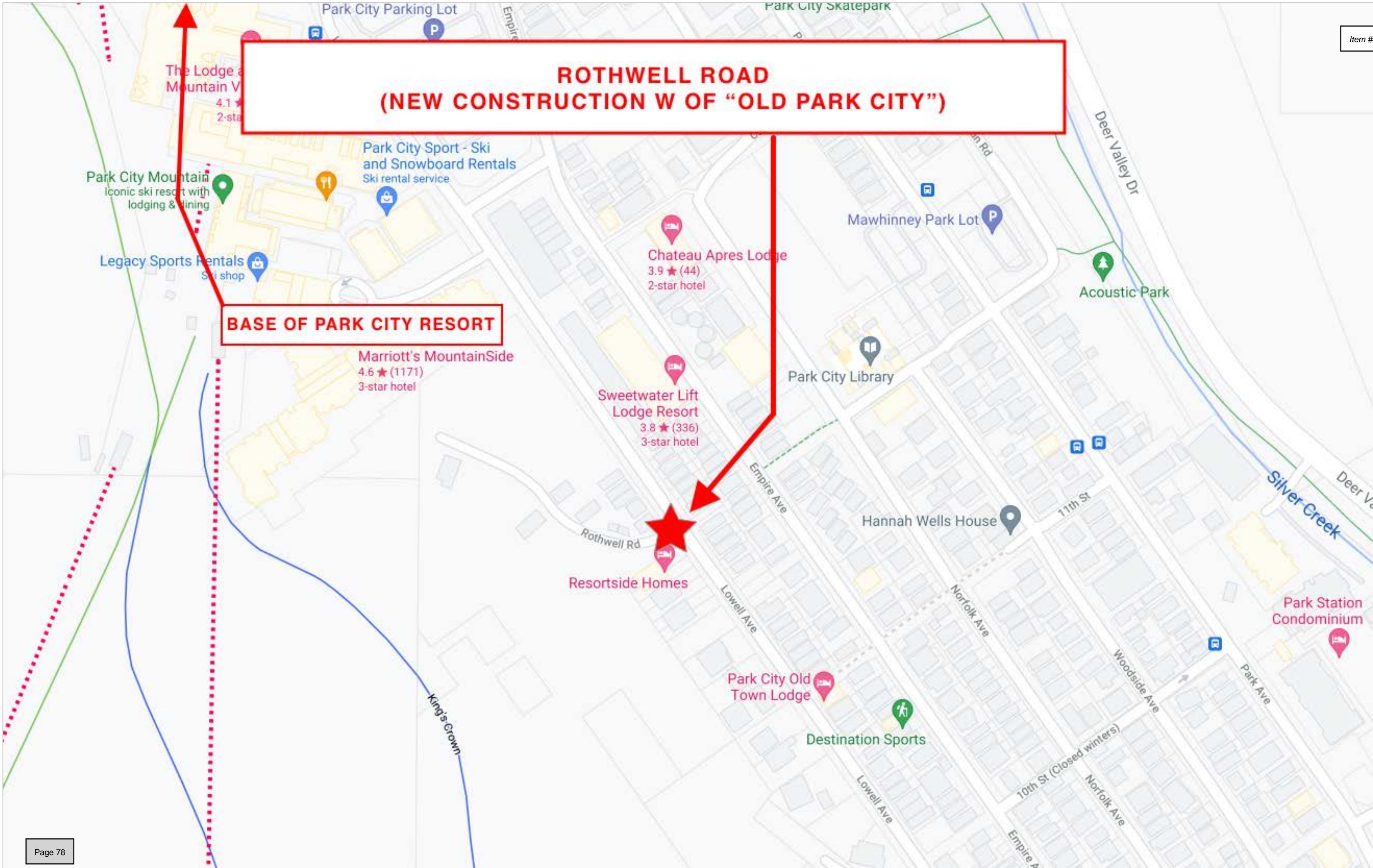
2' 6"

20' 6"

2' 6"

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MADE

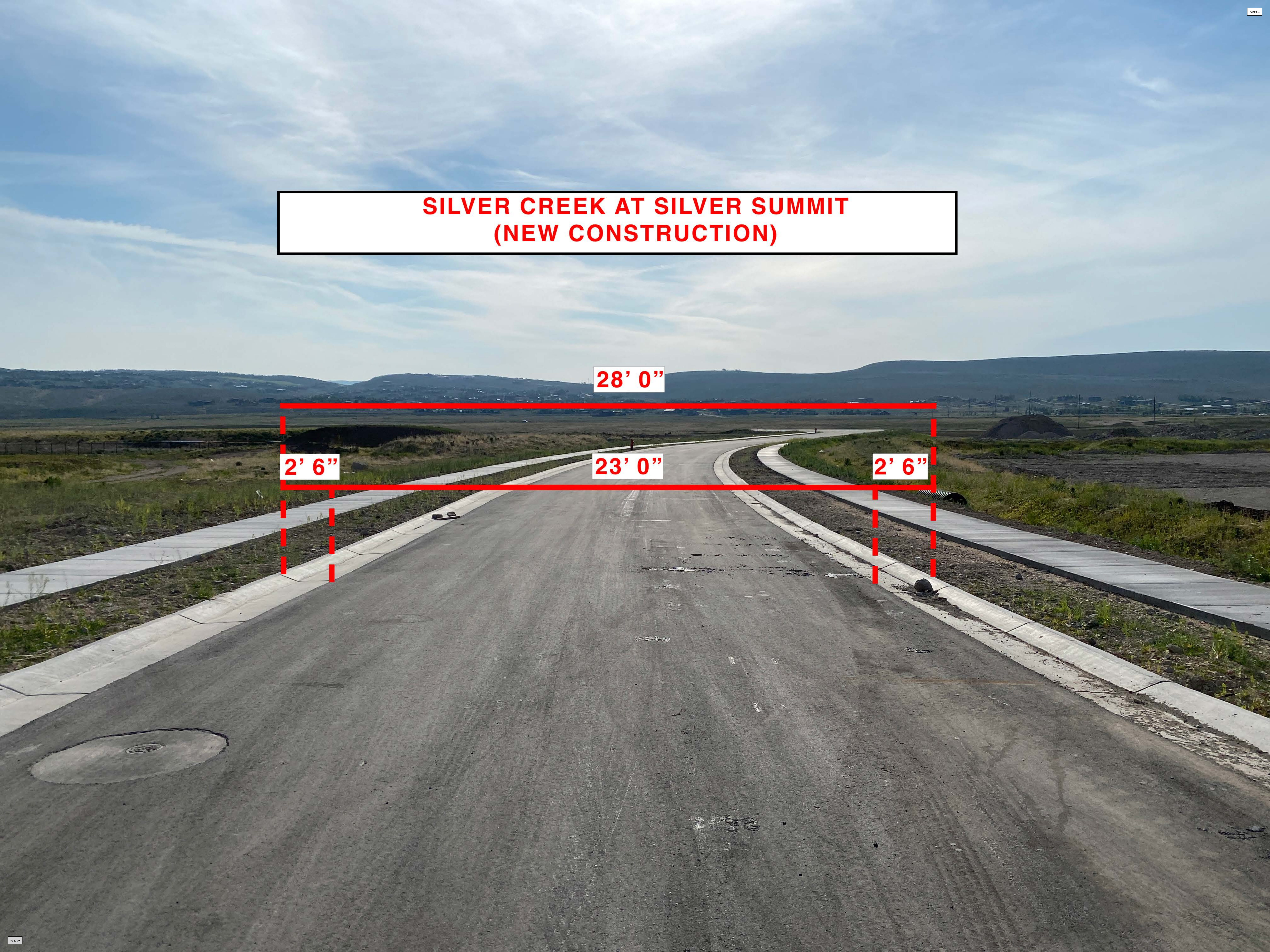


ROTHWELL ROAD (NEW CONSTRUCTION W OF "OLD PARK CITY")

BASE OF PARK CITY RESORT

Resortside Homes

**SILVER CREEK AT SILVER SUMMIT
(NEW CONSTRUCTION)**



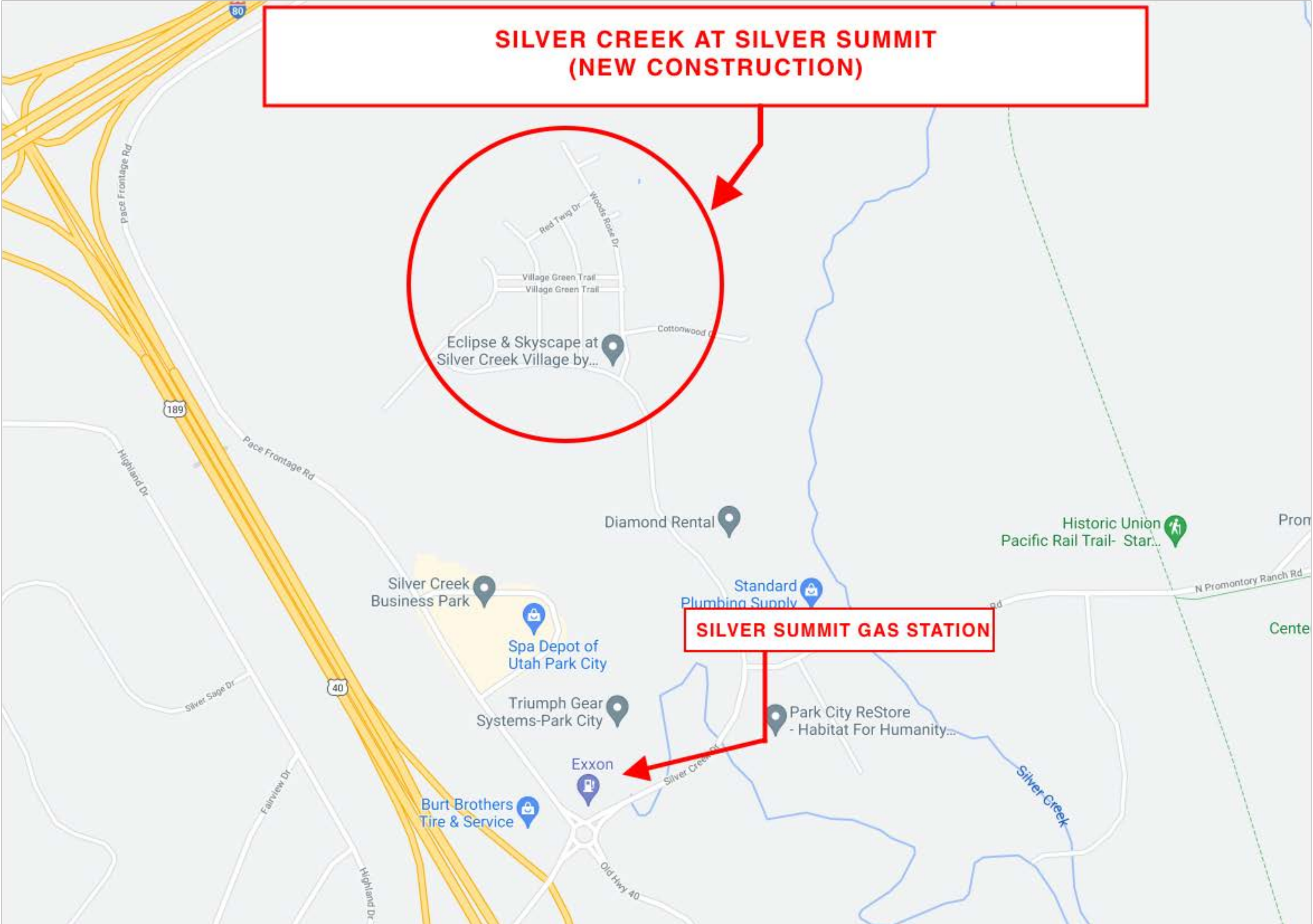
28' 0"

2' 6"

23' 0"

2' 6"

SILVER CREEK AT SILVER SUMMIT (NEW CONSTRUCTION)



**COLLECTION ROAD FOR THE RIDGE AT CANYON VILLAGE
(NEW CONSTRUCTION AT THE BASE OF CANYONS RESORT)**

24' 6"

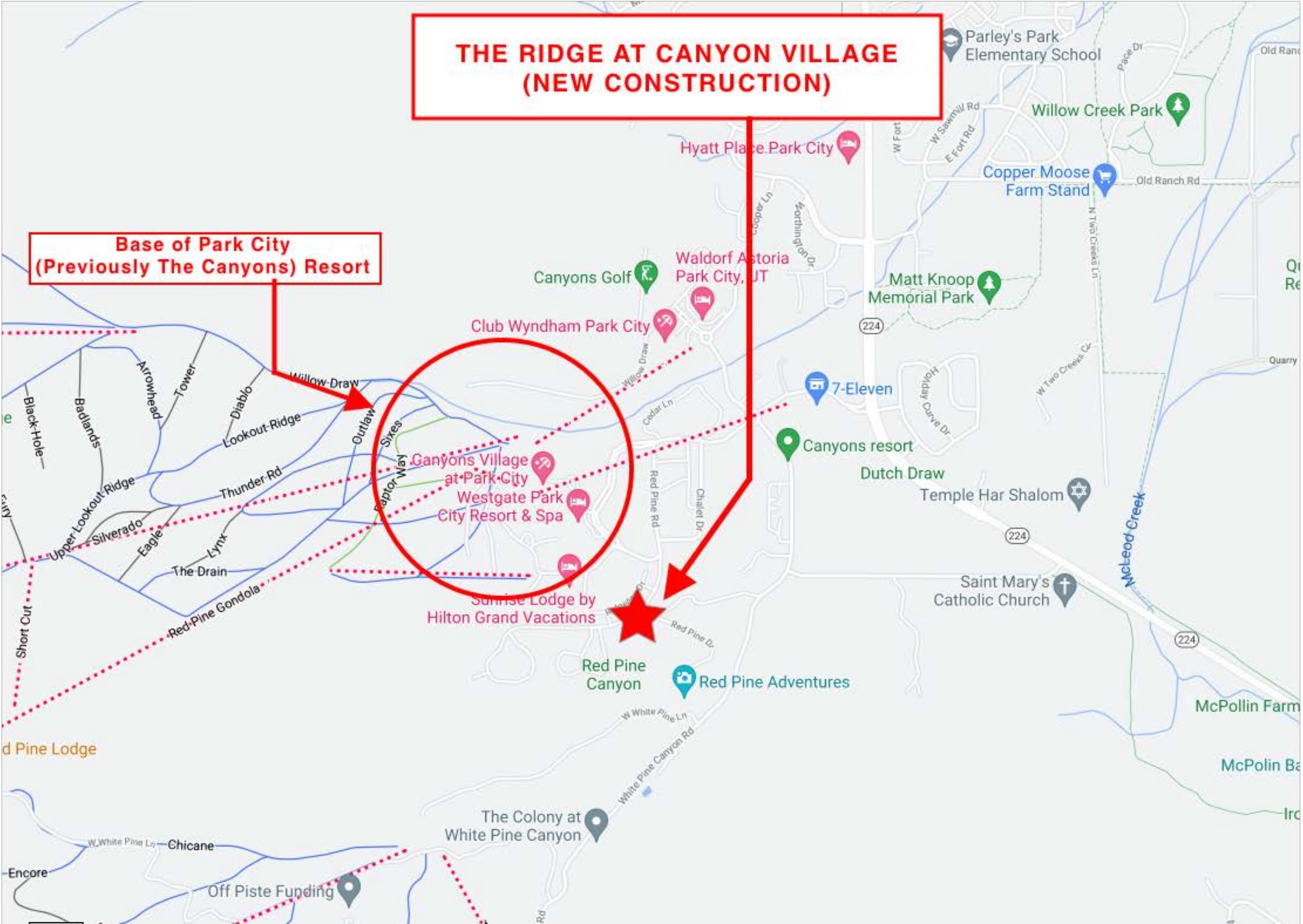
2' 3"

20' 0"

2' 3"

THE RIDGE AT CANYON VILLAGE (NEW CONSTRUCTION)

Base of Park City
(Previously The Canyons) Resort

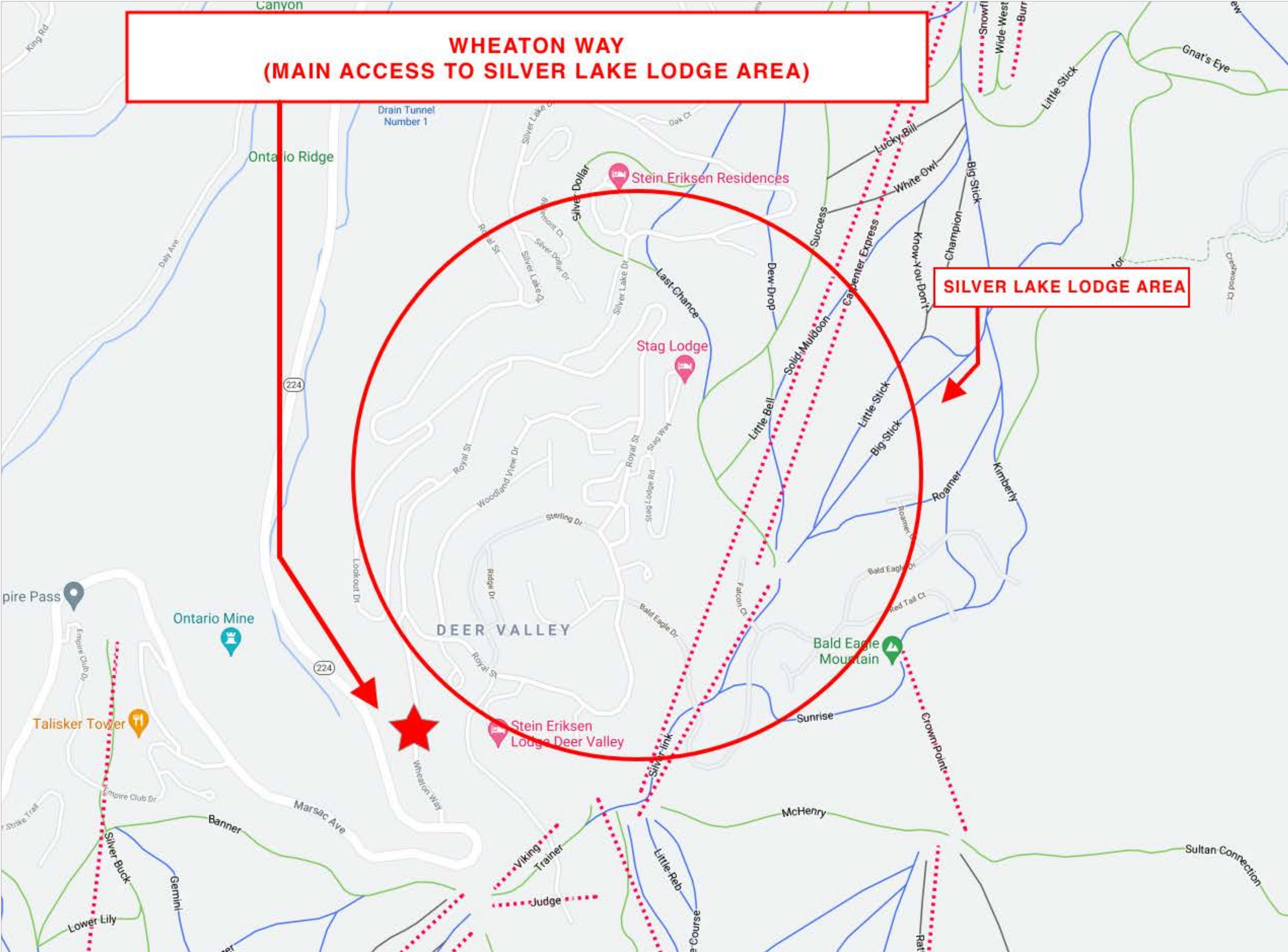


**WHEATON WAY
(PRIMARY ACCESS TO SILVER LAKE LODGE, STEIN ERICKSON, AND
UPPER DEER VALLEY)**

24' 4"

**WHEATON WAY
(MAIN ACCESS TO SILVER LAKE LODGE AREA)**

SILVER LAKE LODGE AREA



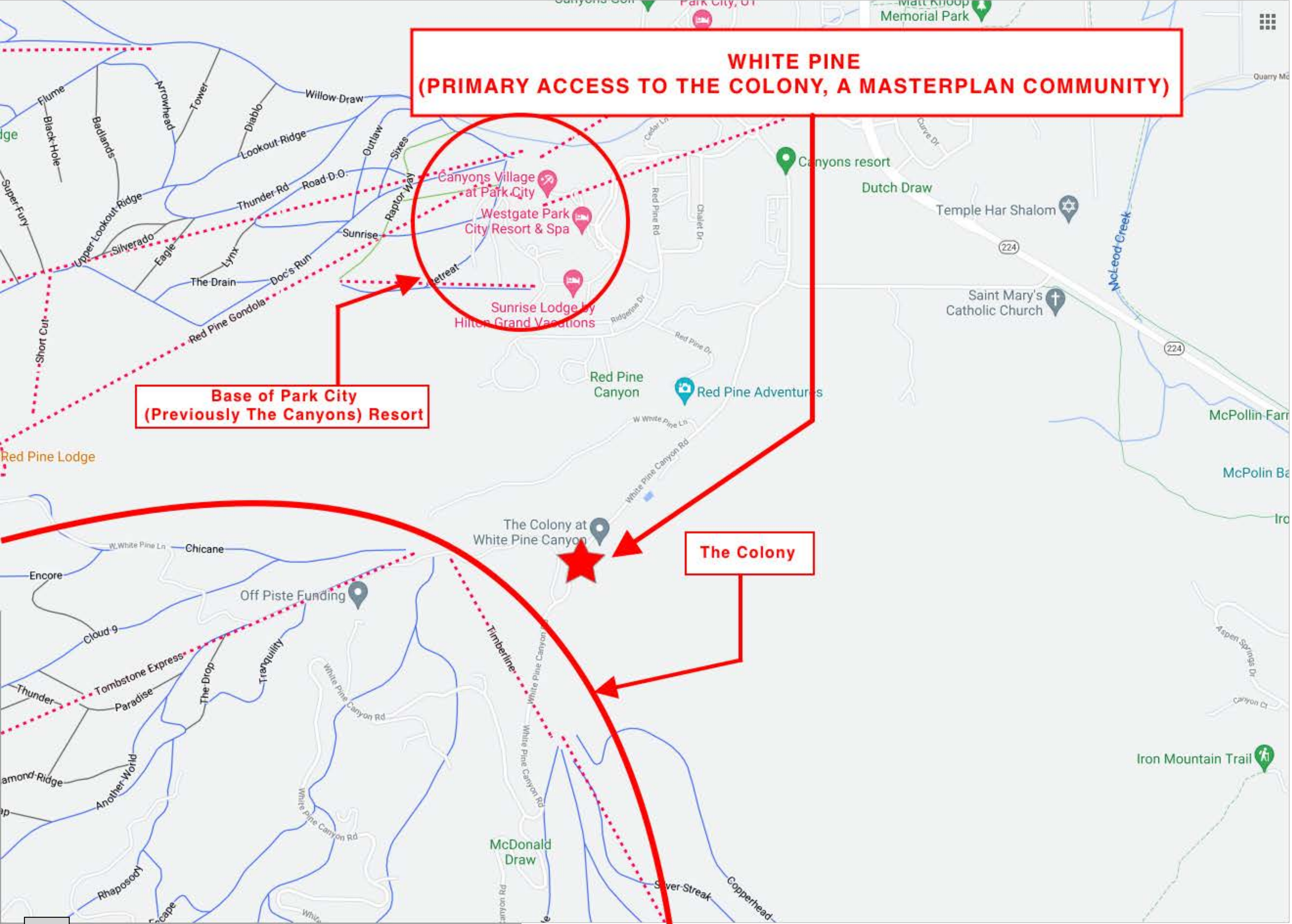
**WHITE PINE STREET
(PRIMARY ACCESS TO “THE COLONY,” THE MASTERPLAN
COMMUNITY ABOVE THE BASE OF THE FORMER CANYONS RESORT)**

24' 0"

**WHITE PINE
(PRIMARY ACCESS TO THE COLONY, A MASTERPLAN COMMUNITY)**

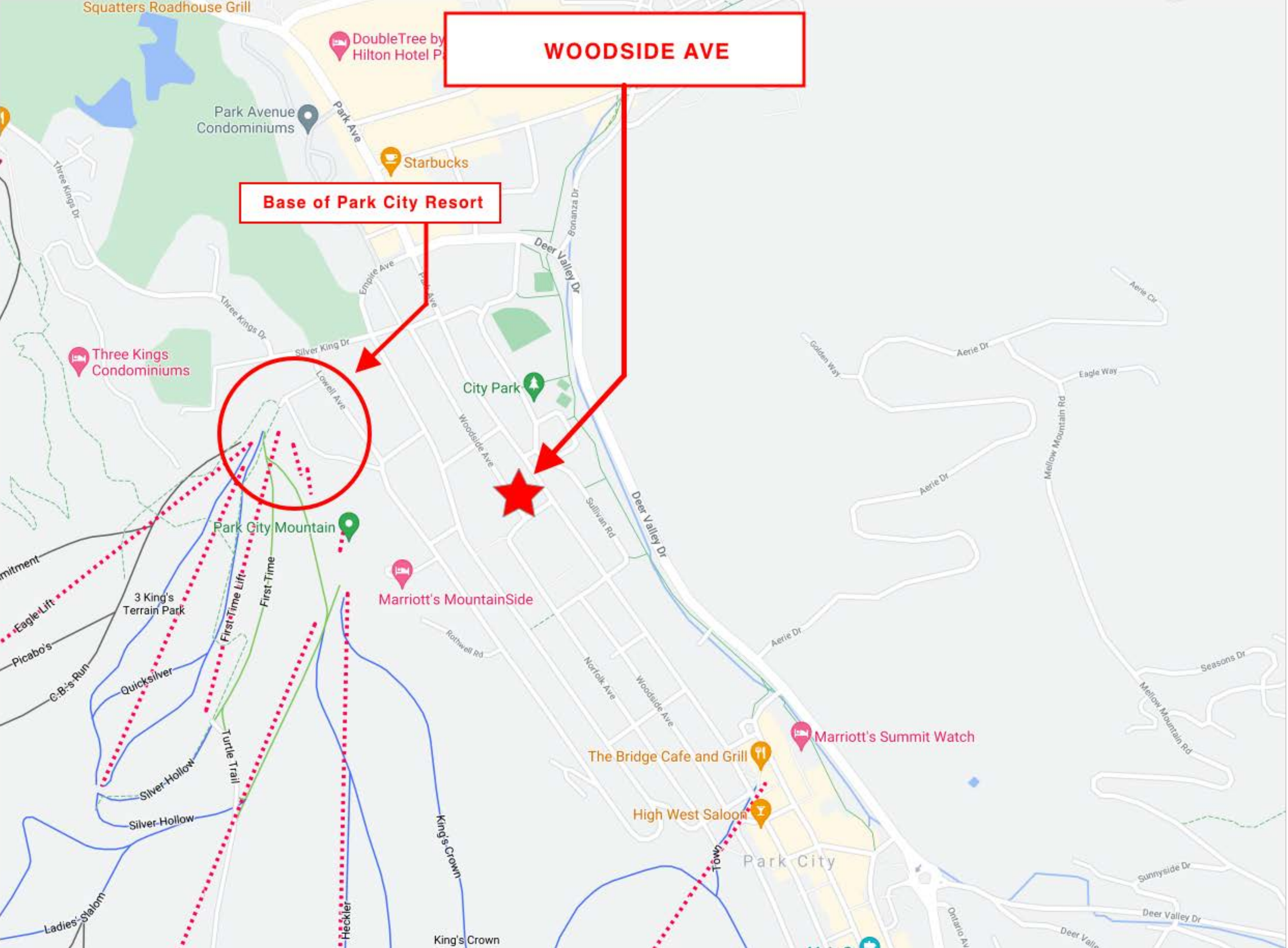
**Base of Park City
(Previously The Canyons) Resort**

The Colony



**WOODSIDE AVE
("OLD TOWN" PARK CITY)**





WOODSIDE AVE

Base of Park City Resort

DoubleTree by
Hilton Hotel P

Park Avenue
Condominiums

Starbucks

Three Kings
Condominiums

Park City Mountain

Marriott's MountainSide

The Bridge Cafe and Grill

High West Saloon

Marriott's Summit Watch

Park City

Ordinance 2021-O-09

**AN ORDINANCE TO APPROVE THE SHORELINE
PHASE 2A (AMENDED) & PHASE 3 SUBDIVISIONS,
LOCATED IN HIDEOUT, UTAH**

WHEREAS, owners of the property known as Shoreline 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 for the Planning Commission meetings on February 6, 2021 and March 6, 2021 and on the Utah Public Notice website on February 6, 2021 and March 6, 2021 according to the requirements of the Hideout Municipal Code; and

WHEREAS, legal notice of the public hearing was published on the Utah Public Notice Website and the Town Website on March 8th, 2021 for the Planning Commission meeting held on March 8th, 2021, and noticed on May 25, 2021 for the Town Council meetings on June 2nd, 2021, continued on June 10th, 2021, and continued to June 24th, 2021 according to the requirements of the Hideout Municipal Code; and

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

WHEREAS, the Planning Commission, on April 28th conducted a public hearing and forwarded a negative recommendation for Phase 3 to the Town Council; and

WHEREAS, the Planning Commission, on April 28th conducted a public hearing and forwarded a positive recommendation for Phase 2A Amended to the Town Council; and

WHEREAS, on June 2nd, 2021 and June 24th, 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 Shoreline Phase 2A Amended & Shoreline Phase 3 Subdivision plats because these subdivision plats comply, as conditioned, with the applicable Hideout Municipal Code, the Master Development Agreement (MDA) and the Technical Reports prepared by the Town Staff or 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 property is located within the Town of Hideout along Recreation Drive.
2. For Phase 2A Amended, the total plat area is approximately 9.48 acres and includes 47 lots. The fifteen (15) lots that were transferred to Phase 3 will reduce the acreage for Phase 2A by an estimated two (2) acres with the revised subdivision layout (the attached Phase 2A

subdivision will be revised). The total lots, 47, already takes into account the transfer of the fifteen (15) lots.

3. For Phase 3, the total plat area is approximately 9.71 acres and includes 62 lots. The fifteen (15) lots that were transferred to Phase 3 will increase the acreage for Phase 3 by an estimated two (2) acres with the revised subdivision layout (the attached Phase 3 subdivision will be revised). The total lots, 62, already takes into account the transfer of the fifteen (15) lots.
4. Zoning for the property is the Resort Village Medium Density (RVMD) zoning district (a specified designation under the RSPA Zoning District).
5. The Town of Hideout entered into a Master Development Agreement (MDA) with the Master Developer on March 11, 2010.
6. Pursuant to the 2010 Master Development Agreement, any house constructed greater than 5,000SF in size will use more than 1 ERU..
7. All existing and required easements shall be incorporated onto the plat, including utilities, storm drainage, access, trails, snow storage, etc.
8. Town Staff, the Planning Commission, Fire District and the Town Council found health and safety concerns regarding the initial road alignment and road widths associated with this plat. The Wasatch County Fire Marshall recommended the road widths at 26'-0" wide for asphalt plus curb and gutter (in accordance with the Town's Ordinance requirements).
9. The Applicant proposes a 29'-0" wide road (24'-0" of asphalt plus 5'-0" of mountable curb).
10. The final plats shall be approved and signed by the Jordanelle Special Services District to ensure that requirements of the District are addressed.
11. Snow storage areas have been delineated on the plats.
12. Each Phase has a separate final subdivision plat associated with it.
13. Right-of-way width shall be included on the plats.
14. All roads in phase 3 will be required to be stripped for both auto and Pedestrian use.

Conclusions of Law

1. The subdivision plats comply as conditioned with Hideout Municipal Coderequirements as provided in the 2010 Master Development Agreement (MDA).
2. The subdivision plats are consistent with the applicable State law regarding subdivision plats.
3. The subdivision plats comply, as conditioned, with the recommendations of the Wasatch County Fire Marshall in terms of road widths and emergency access requirements.
4. Approval of the subdivision plats will not adversely affect the health, safety and welfare of the citizens of Hideout.
5. This Ordinance is for approve of Shoreline Phase 2A (amended) and Phase 3 and is not for any subsequent phases.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the subdivision plats for compliance with State law, the Hideout Municipal Code, the Master Development Agreement (MDA).
 - a. The MDA, Section 11.2, requires approval of a grading plan prior to any construction. No grading is permitted without Town Engineer and Town Planner approval.
 - b. The developer will apply for, and be granted a subdivision construction permit from the City Engineer prior to construction.
2. All proposed units part of Phase 2A Amended and Phase 3 will contain less than 5,000 square feet (gross building area) in order to use no more than 1 ERU in accordance with Appendix 5 of the 2009 Code.

3. The Applicant shall provide confirmation of water rights allocation from JSSD.
4. The Applicant shall provide confirmation of sewer service.
5. Notes allowing for non-exclusive public utility easements in the common areas shall be indicated on the plats as requested by the Town Engineer and JSSD; these notes/designated area must be consistent with the utility plan, including drainage easements.
6. All existing and required easements, based on review by the Town Engineer, Town Planner and JSSD must 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.
7. All approved public trails (and public access easements), consistent with the Master Development Agreement (MDA), the Parks Open Space & Trails (POST) Plan, and the Preliminary Plan presented to the Planning Commission in 2016, shall be shown on the plats.
8. All streets should be constructed to a 29'-0" wide road (24'-0" of asphalt plus 5'-0" of mountable curb). This is an exception from the normally recommended minimum of 26'-0" of asphalt plus 5'-0" mountable curb and gutter and is based upon the unique circumstances:
 - a. The topography and approved density in Phase 3 are incompatible with the wider roads, the Applicant has complied to the extent practicable for this Phase given the vested density.
 - b. The Applicant had invested substantial effort in the overall layout of this phase prior to the 2020 Code, therefore Phase 3 can be reduced to preserve the overall grading that has been completed.
 - c. The Applicant agrees to roads not less than the 29'-0" as outlined above and will look into opportunities to meet the 2020 Town Code.
 - d. It is the intent of the Town Council that this shall not set precedent for future phases related to road widths less than 29'-0".
9. The Applicant agrees to provide the following in terms of architectural diversity:
 - a. A minimum of three (3) different façade types.
 - b. At minimum, each of the three (3) façades will be 'mirrored' equating to the perception of six (6) different facades.
 - c. A minimum of two (2) color schemes.
10. The submitted construction plan set does not include the necessary details for the proposed retaining walls. Prior to the award of any construction permits, this 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 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. Trails: Proposed trails (and surface type) have not been proposed or detailed and must be completed for Phase 2A Amended and Phase 3 and included on the construction plan set and noted on the proposed subdivision with an easement to allow public use for pedestrians and bikes. Final materials and layout must be reviewed and approved by the Town Planner and Town Engineer before issuance of any Certificates of Occupancy.
 - a. These trails should be a minimum of 6'-0" wide with an asphalt surface.

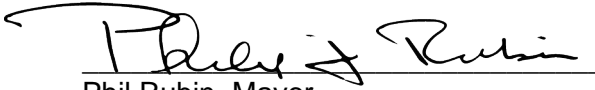
- b. Any public trails and Public Spaces shall be either be dedicated to the Town of Hideout or include a Public Access Easement dedicated to the Town. A plat note “to allow public trail easement” should be included on the plat.
 - c. The Applicant agrees to dedicate an approximately 10' x 10' area of land (in Phase 2) to the Town of Hideout directly adjacent to the Jordanelle State Park where the informal trail connection exists through the dividing fence. This dedication of private land to the Town would allow for the possible creation of a Town trail connection to the State Park trail connection due to the requirement that a trail from the State Park can only connect to a trail that is on public land. Beyond that point, a trail can connect to trails on private land. The Applicant shall consider similar dedications in future phases that are adjacent to the State Park.
- 12. Streetscape amenities; lighting, signage, etc. shall be provided – construction details, sign type (if proposed), and materials/colors must be included in the plan set for review and approval by the Town Planner and Town Engineer before any construction permits are awarded.
- 13. An updated Landscape Plan shall be provided for all of Phases 2 Amended and 3 for review. This plan shall include street trees (minimum 2” caliper at time of planting and minimum 6'-0” high for evergreens), native shrubs (minimum 5 gallon size at time of planting), common area and yard landscaping, entry features, and slope stabilization plantings where necessary – particularly for slopes greater than 30%. The Applicant shall work with the Town Planner to finalize this Landscape Plan. Visitor parking: Phase 3 includes 26 spaces. The Applicant shall work with Planning and Engineering staff to determine whether retaining walls are required for the majority of these spaces. Final details of any retaining walls and the location of the spaces (including heights and materials) should be provided.
- 14. The vertical alignment of the road connecting Shoreline Phase 3 (north side) and Lakeview Estates must be adjusted to match the approved Lakeview Estates construction plan set. The Applicant is currently working with his engineer to correct datum elevations to ensure a seamless connection.
- 15. An updated storm drain report be submitted documenting the following:
 - a. Developed discharge is equal to or less then pre-development.
 - b. Storm drain conveyance designed to convey the 10-year event.
 - c. Documentation that the 100-year storm can be conveyed without property damage.
- 16. A final grading plan be submitted showing the final roadway section trails and any storm water swales, etc.:
 - a. Denote stabilization of all slopes, require slopes to be stabilized prior to subdivision acceptance.
 - b. Grading plan will need to include any trails included in the development.
 - c. Complete retaining all designs submitted and approve prior to construction.
- 17. An updated name must be assigned to “Deepwater Drive” to match with Lakeview Subdivision to keep the name consistent.
- 18. The Applicant agrees to work with the adjacent developer and Rocky Mountain Power to explore the possibility of relocating the previously placed utility poles underground.
- 19. The Applicant submitted a Landscape Plan with some specific planting typology for sample units. The plan will need to be amended with some additional information and Staff will coordinate with the Applicant. The Town may require additional information and detail specifically for some of the common areas (which should be re-vegetated with a mix of native vegetation and grasses) and additional variation for the limited common areas around the proposed units.
- 20. Year round secondary access must be available upon Certificate of Occupancies.

21. When construction is complete (and all necessary ingress/egress roads are complete), the existing white gravel emergency access road will be converted to a trail accessible by emergency and utility vehicles as needed.
22. The secondary access road between Shoreline Phase 3 and Lakeview Estates shall be complete to accommodate access to/from Shoreline Phase 3 prior to the award of any Certificates of Occupancy. In lieu of this road, an emergency access road that is reviewed and approved by the Town Engineer could be constructed, and if so, the Applicant agrees to keep this emergency access road fully maintained and plowed free of snow during the winter months.

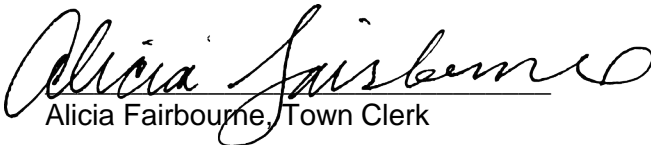
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 24th day of June, 2021

TOWN OF HIDEOUT


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk

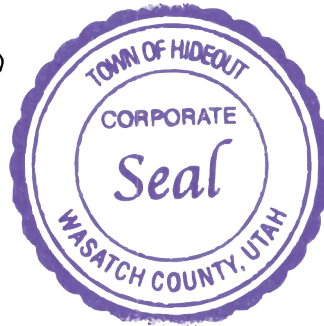


Exhibit A – Proposed subdivision plat for Shoreline Phase 2A Amended

SHORELINE PHASE 2, PLAT A REVISION

A PLANNED UNIT DEVELOPMENT LOCATED IN THE SHORELINE SECTION 17, T2S, R2E, S4M

VICINITY MAP

Highway 40, Highway 140, Klamath River, Project Site

LEGEND

- PRIVATE AREA
- LIMITED COMMON AREA (GARAGES, PORCHES, DECKS AND PATIOS)
- COMMON AREA (ENCLOSED AND NOT DEEMED A COMMON AREA IS A PUBLIC UTILITY EASEMENT)
- SET NEW REAR & CAP (OR FOUND EXISTING REAR & CAP)
- FOUND SECTION MONUMENT
- BUILDING CORNER
- STREET MONUMENT
- NOTHING SET (NOTHING SET ALONG ROADWAYS)
- OFF-STREET PARKING

ADDRESSES

UNIT #	ADDRESS
1	1001 S. SHORELINE AVE
2	1002 S. SHORELINE AVE
3	1003 S. SHORELINE AVE
4	1004 S. SHORELINE AVE
5	1005 S. SHORELINE AVE
6	1006 S. SHORELINE AVE
7	1007 S. SHORELINE AVE
8	1008 S. SHORELINE AVE
9	1009 S. SHORELINE AVE
10	1010 S. SHORELINE AVE
11	1011 S. SHORELINE AVE
12	1012 S. SHORELINE AVE
13	1013 S. SHORELINE AVE
14	1014 S. SHORELINE AVE
15	1015 S. SHORELINE AVE
16	1016 S. SHORELINE AVE
17	1017 S. SHORELINE AVE
18	1018 S. SHORELINE AVE
19	1019 S. SHORELINE AVE
20	1020 S. SHORELINE AVE
21	1021 S. SHORELINE AVE
22	1022 S. SHORELINE AVE
23	1023 S. SHORELINE AVE
24	1024 S. SHORELINE AVE
25	1025 S. SHORELINE AVE
26	1026 S. SHORELINE AVE
27	1027 S. SHORELINE AVE
28	1028 S. SHORELINE AVE
29	1029 S. SHORELINE AVE
30	1030 S. SHORELINE AVE
31	1031 S. SHORELINE AVE
32	1032 S. SHORELINE AVE
33	1033 S. SHORELINE AVE
34	1034 S. SHORELINE AVE
35	1035 S. SHORELINE AVE
36	1036 S. SHORELINE AVE
37	1037 S. SHORELINE AVE
38	1038 S. SHORELINE AVE
39	1039 S. SHORELINE AVE
40	1040 S. SHORELINE AVE
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80	1080 S. SHORELINE AVE
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91	1091 S. SHORELINE AVE
92	1092 S. SHORELINE AVE
93	1093 S. SHORELINE AVE
94	1094 S. SHORELINE AVE
95	1095 S. SHORELINE AVE
96	1096 S. SHORELINE AVE
97	1097 S. SHORELINE AVE
98	1098 S. SHORELINE AVE
99	1099 S. SHORELINE AVE
100	1100 S. SHORELINE AVE

GRAPHIC SCALE

1 inch = 60 ft.

BUILDING COORDINATES

UNIT #	EASTING	NORTHING
1	1001.00	1001.00
2	1002.00	1002.00
3	1003.00	1003.00
4	1004.00	1004.00
5	1005.00	1005.00
6	1006.00	1006.00
7	1007.00	1007.00
8	1008.00	1008.00
9	1009.00	1009.00
10	1010.00	1010.00
11	1011.00	1011.00
12	1012.00	1012.00
13	1013.00	1013.00
14	1014.00	1014.00
15	1015.00	1015.00
16	1016.00	1016.00
17	1017.00	1017.00
18	1018.00	1018.00
19	1019.00	1019.00
20	1	

Exhibit

Exhibit C - Minutes from the December 8, 2016 Town Council Meeting

(see the following pages)

TOWN COUNCIL MEETING MINUTES

December 8, 2016

1. **Call to Order and Pledge of Allegiance**

Mayor Pro Temp Dean Heavrin called to order the meeting of the Town Council of the Town of Hideout at 3:35 p.m. on December 8, 2016 at 10860 North Hideout Trail, Hideout, Utah and led the Pledge of Allegiance.

2. **Roll Call**

The mayor pro-temp conducted a roll call. The following Council Members were present:

Dean Heavrin
Hanz Johansson
Cyndie Neel

Absent: Mayor Martino
Doug Egerton
Jim Wahl

Also attending: Town Clerk - Lynette Hallam, Kent Cuillard – Public Works, Nate Brockbank, Bart Caton, Natalie Dean, Cyndee Donaher, David Erichsen, Paul Linford, Mike McGlaulin, Ron Phillips, Will Pratt, Mike Stewart and Dennis VandenAkker

3. **MINUTES - Consideration and Approval of Minutes for Regular Meeting of October 13, 2016**

Cyndie Neel motioned to approve the minutes for the regular meeting of October 13, 2016. Hanz Johansson seconded the motion. The motion passed unanimously with affirmative votes from Councilors Johansson, Neel and Heavrin.

4. **PUBLIC HEARING – Consideration and Possible Approval, Preliminary Plat for Shoreline Village**

Mike Stewart discussed the handout he had given to the council members; he discussed design imagery, character of the community and the site plan. Mr. Stewart detailed the expertise which has gone into coming up with plan working with topographical characteristics. In the green areas the natural growth will remain with the thistle being cleaned out. The Village Center will be on the west boundary and have a view of the lake and the mountains. Project includes live/work homes. There will be 6.7 miles of pedestrian-only trails.

Council Member Hanz Johansson noted that the meadow basin is wet. Mr. Stewart noted there is nothing being built in that area. Councilor Johansson asked if the trails connected with the State

Park. Mike Stewart said they do not at this point. Retention walls were discussed; Mr. Stewart mentioned they were trying to minimize them.

Councilor Cyndie Neel asked how many acres are included in the development. Mike Stewart said there are around 140 acres. David Erichsen said the density pod of the whole area is being worked as a Resort Village Medium Density; what Mr. Stewart's project which he is bringing in now is not the entire thing. It is required the whole area be master planned together which area is 166 acres. The density of the pod is 3.78 eru's/acre. The overall density of the RSPA is 1.5 eru's per acre; as density gets consumed, land gets consumed. 1.5 eru's will still maintain throughout.

Councilor Hanz Johansson asked if the development would need an exemption. Dave Erichsen said it would not and has been approved already three or four times. The density pod would run with that area and Shoreline Village will be phased over several years. Mr. Erichsen said the project would consume 590 ERU's.

Council Member Hanz Johansson broached the subject of parking. Mike Stewart pointed out the parking areas, including overflow parking. Council Member Cyndie Neel asked if that would be ample parking. Mr. Stewart felt it would be as far as the overall community. A one/two-bedroom unit would have 2½ stalls per home.

David Erichsen asked about the time frames for the project. Mike Stewart replied it was market driven, but they were hoping to break ground on some of the infrastructure in the spring.

Mayor Pro-temp Heavrin inquired about the HOA. Mr. Stewart said it would be separate from Rustler but under the umbrella of the master HOA; each pod would have its own individual HOA under the master HOA.

Mike Stewart commented there was no guest parking put in Rustler. Councilor Johansson commented the driveways in Rustler are too short.

Mayor Pro-temp Heavrin asked where the developer would start. Mr. Stewart they would probably start where you come in and work west. Each pod will be a phase; two or three pods may be going at the same time. It was pointed out the contractors would come in the back way not through Hideout Canyon.

Mayor Pro-temp Heavrin opened the public comment portion of the meeting.

Cyndee Donaher asked about access off of SR248. Mayor Pro-temp Heavrin stated UDOT will not give any more accesses from SR248. Dave Erichsen pointed out the Town wants to push out on Longview Drive to Ross Creek; there is some activity with other property owners. The goal is to work out completion of the road to Ross Creek before the congestion comes in.

Ms. Donaher inquired if the trails along the roads are paved. Mike Stewart replied along the roads, the paseos would be road base at the minimum.

Dennis VandenAkker asked who would maintain the road from Ross Creek. Mayor Pro-temp Heavrin said the Town will plow what they can; it will have to be worked out. David Erichsen stated the Town is not going to take on the burden of the construction access.

Nate Brockbank asked how the density works. Will the developer deed over the open space? David Erichsen explained the property is zoned RSPA there is an approximate acreage of 1300 acres with 1900 ERU's; the ERU's for this development will be pulled out of that pool. Council Member Johansson asked if there is a map of the RSPA zone. Mr. Erichsen indicated there is a delineation and overall designation of the RSPA.

Mr. Brockbank expressed concern about putting 700 people on a roadbase and dirt road. David Erichsen commented worst case scenario would put the commuters on Reflection Lane. It is hard to build a road without property owners and their preferences for development. Mr. Erichsen preferred to look for alternate solutions.

Nate Brockbank discussed the concerns voiced over their project including decreasing values of existing homes and roads. Mayor Pro-temp Heavrin said their project put too much density in a small area. There was further discussion.

Paul Linford asked how many units per acre in this project; David Erichsen replied on the land imprint it is on, it is 4.46. Mr. Brockbank reiterated his concerns about traffic and suggested a traffic study. Mike Stewart reported the Montage development has 1000 homes and only one access; the roads are sufficient. Mr. Stewart stated their goal is to get access off SR248. Town can pave that road because it is in the Town.

Cyndee Donaher asked if they couldn't work with UDOT. Mayor Pro-temp Heavrin declared the Town has worked with them, and UDOT is not too cooperative. David Erichsen added UDOT requires the traffic load to increase substantially, and then they respond. Until warranted, UDOT will not address the issue. Councilor Johansson asked if the Town could require the road be paved as part of the project. David Erichsen reminded this is just the preliminary plat. As finals come in and if the road is not done, the Town could possibly require completion of the paved road. As other property owners develop, they may want a different alignment. Council Member Johansson suggested the Town should have a Master Plan. Mr. Erichsen said that could be looked at in the future. It would be better for developers to decide where they want sewer and water and where the roads should be.

Ron Phillips from Jordanelle Special Service District (JSSD) stated he was at the meeting to have a dialogue about water rights. Mr. Phillips said Hideout doesn't have enough water with JSSD for all of this development. Hideout has 150 acre feet of wholesale water; as of now the Town has about 40 acre feet of 150 already being used. The Town also has reserved 103 acre feet beyond that which a water reservation fee is paid. There are not enough water rights for this size of development. Mr. Phillips recommended the Town begin a dialogue about developers obtaining water rights to be turned over to the Town or JSSD. Mr. Phillips gave the Council a chart of the development path which could be followed; and he encouraged negotiation concerning water rights early in the development process. David Erichsen countered that Hideout has its own water company and its own water engineer who would need to be involved with discussions with JSSD. There are other options. Councilor Cyndie Neel questioned why the Town can get no more water after the reserve is used. Ron Phillips answered that water rights law is very complex. The legal issue of providing water rights is critical.

David Erichsen indicated Steve Jacobsen, the Town's water engineer, has expressed the water rights are adequate. Mr. Erichsen said the water will be proofed up before final plat is granted.

Council Member Hanz Johansson asked if approval could be given for preliminary plat with caveats that water and roads be given more consideration before final.

Dennis VandenAkker asked if there is enough sewer available. Ron Phillips stated certain things have to happen. Nate Brockbank declared they are paying to bring the sewer line to the dam and other developers should help. Mike Stewart stated original developments were bonded and have paid into it for over ten years.

Ron Phillips stated the line off the dam is scheduled to be built in 2023 with impact fees. If developers want to develop before then, they are welcome to get together and cooperate and put up the money to build that earlier and be paid back out of impact fees. Dave Erichsen declared the issues need to be addressed through the Town's contract with JSSD.

Council Member Cyndee Neel voiced her opinion that more information is needed before approval. Dave Erichsen advised the Council could approve the preliminary plan Mike Stewart has brought to the Council and to approve the density pod.

Town Clerk Lynette Hallam opined that the preliminary plat could be approved with conditions attached which would have to be addressed before final plat was granted. The conditions needed were discussed including water, sewer and a second road access. The finals will come in in phases – not the whole project.

Ron Phillips commented one issue with the access road was that JSSD owns property by the Ross Creek pump station. Dave Erichsen pointed out the pump station is under the jurisdiction of Hideout Town. Mr. Erichsen further stated if Longview Drive is moved it would possibly go through JSSD property. There is a pretty wide easement through some of the property. Would have to get cooperation of current landowners to get the best alignment and best grade. Nate Brockbank stated they are pretty close to agreement with the Town concerning their development; they have JSSD's property under contract and anticipate buying that in February.

Cyndee Donaher mentioned the trails committee is working with the Bureau of Reclamation and State Park concerning trails. Has the developer worked with the Bureau and looked at the impact on wildlife, watersheds, etc.? Has there been an environmental analysis? Mike Stewart replied an environmental analysis is not required by the Town Code. They have walked the property and it is primarily scrub oak and sage brush. Natalie Dean pointed out the development is abutting the State Park.

Dave Erichsen regarding roads, everybody is waiting. Councilor Cyndie Neel said her biggest concern is the availability of water. Dave Erichsen assured the developer cannot get a final plat without proving the water is there.

Mayor pro-temp Dean Heavrin closed the public hearing.

Council Member Hanz Johansson motioned to approve the preliminary plat for Shoreline Village with the following conditions: road access to 248 is to be resolved and water and sewer rights must be confirmed. Council member Cyndie Neel seconded the motion. Motion passed unanimously with affirmative votes from Councilors Johansson, Neel and Heavrin.

Councilor Cyndie Neel made the motion to accept the Resort Village Medium Density zoning. Councilor Hanz Johansson seconded said motion. Council Members Johansson, Neel and Heavrin voted "aye" and the motion passed unanimously.

5. **RESOLUTION – Consideration and Possible Approval of #16-002 TOWN OF HIDEOUT FEE & RATE RESOLUTION**

Town Clerk stated all the changes included in the Resolution had been previously approved individually. This action is to update the Fee & Rate Resolution to include those changes.

Council Member Cyndie Neel motioned to approve #16-002 – Town of Hideout Fee & Rate Resolution. Council Member Hanz Johansson seconded the motion. Motion passed with a unanimous vote from Councilors Johansson, Neel and Heavrin.

6. **DISCUSSION ITEM – Discussion of an Ordinance Required Regarding Backflow Prevention**

Town Clerk Hallam explained this is an ordinance required by the Environmental Protection Agency. The actual ordinance will be on next month's agenda. The ordinance will require that once a year the residents will need to have someone come in and inspect the backflow device. The Town can't have anything to do with it other than letting the homeowners know who would be available to do the inspections. The average cost is \$35-\$85. The resident has to let the Town know. If it is not done after three notifications by the Town, the Town will turn the water off. The time each year the test is required could be included in the ordinance. There is a possibility the HOA could be involved in getting this done.

7. **DISCUSSION ITEM – Discussion of Possibility of Plowing Road to Ross Creek**

Council Member Hanz Johansson wondered if it would be possible to plow the snow off the 1660 feet of paved road to the Ross Creek State Park which would allow the State Park personnel to plow the parking lot. Kent Cuillard stated he had talked to Mr. Carlson over maintenance and had been told there was no plans to plow the parking lot. There are signs saying the park is closed for the season. Councilor Johansson said he had talked to Laurie Bacchus and Jason Whittaker who said they were open to the idea. There were concerns about Todd Hollow people may use it for parking, Councilor Neel indicated Todd Hollow has added more parking spaces. Mr. Cuillard stated he plowed to the pump station and has been plowing this year and last year. The road gets plowed when there is time to do so.

8. **CONSIDERATION & APPROVAL OF BILLS TO BE PAID – Approval of Payment of December, 2016 Bills and ratify payment of November, 2016 bills**

Council Member Cyndie Neel made the motion to approve the December, 2016 bills and ratify the payment of the November, 2016 bills. Council Member Johansson seconded the motion. The motion passed unanimously with affirmative votes from Councilors Johansson, Neel and Heavrin.

9. Review Financial Statements, If Needed

No discussion.

10. Public Input

Natalie Dean said she wanted to report the progress of the Hideout Trails Committee, about Hideout Jordanelle Trails at Ross Creek Phase 1. Originally the committee made a proposal for ten miles of back country single track trails. The proposal was revised for three miles of trails and resubmitted it to the US Bureau of Reclamation (USBR) in July. It was designed to align with Jordanelle Resource Management Plan. The committee was awarded a \$17,000 grant through the Regional Trails Program on September 26, 2016. USBR authorized construction to begin on November 3, 2016. Trail construction took place from November 7th through November 16th; the entire trail network was cut by Hans Johansson using the State Park's trail machine. There was a public trail work day on November 13th. The work has concluded for the 2016 season and expected to resume in the spring of 2017. A formal ribbon cutting will be held at completion.

11. Adjournment

Council Member Hanz Johansson made the motion to adjourn the Hideout Town Council Meeting. Council Member Cyndie Neel seconded the motion.

The meeting adjourned at 5:15 p.m.

Lynette Hallam, Town Clerk

Approved: 1/12/17

File Attachments for Item:

3. Continued Public Hearing and review of the Fraud Risk Assessment Questionnaire, and discuss ways to improve controls for the Town of Hideout



Fraud Risk Assessment

Background

The Office of the State Auditor (Office) regularly receives complaints of fraud or abuse by local government officials. The Office is also aware of internal investigations performed by local governments of their own officials and employees. Some of these situations receive significant media coverage, while others are resolved with less publicity. In either case, the level of concern by the public and local and state officials is significant. Many have asked the Office for more direction on how to prevent such occurrences in the future. The program outlined in this guide is designed to help measure and reduce the risk of undetected fraud, abuse, and noncompliance in local governments of all types and sizes. This assessment is a starting point, it is the hope of the Office that local governments will add to and adapt this form to improve how they manage their internal controls and the risk of fraud, waste and abuse.

Internal Controls as a Discipline

Professional literature, as well as our own experience, indicates that the solution to the reduction of fraud risk lies in effective internal controls. Internal controls are the policies, practices, and processes that ensure the operations of an organization are performed effectively and efficiently. Internal Controls are also intended to deter or prevent the misuse of public funds. Since internal controls require time and resources, entities should seek to reduce risk to an acceptable level, not eliminate risk altogether. In other words, a lock should never cost more than the item it is intended to protect.

The Committee of Sponsoring Organizations of the Treadway Commission (COSO) is a group of organizations dedicated to providing frameworks and guidance on risk management, internal control, and fraud deterrence. COSO publishes a document “Internal Control – Integrated Framework” (the COSO Framework). The COSO Framework is noted as the gold standard for designing and implementing an entity-wide internal control program for all organizations including governments. The Government Accountability Office (GAO) publishes its own guidance for proper internal controls in government entities known as the Green Book. The Green Book follows the COSO Framework, but adds some specific context that is unique to the government environment. We used both of these publications as resources for this project.

The COSO Framework includes five principles:

- Tone at the Top
- Risk Assessment
- Control Activities
- Communication

- Monitoring

Incorporating these five principles into an organization is a recommended but complex endeavor. Most accountants and auditors have been trained on these principles, but full implementation requires additional training and a commitment throughout the organization to be effective. We recommend every organization with the resources use COSO, GAO, GFOA, or any other reputable source as an aid to implementing a comprehensive internal control program.

Due to the expense, most local governments in Utah lack the resources necessary to completely implement the COSO Framework. Our goal is to take the concepts of the COSO Framework and boil them down to specific measures that every local government can incorporate at minimal cost. If properly implemented, we believe these measures will reduce the risk of undetected fraud, abuse, and noncompliance. We have also developed a risk assessment model that provides a basic evaluation of an entity's fraud risk, based upon required separation of duties and our recommended measures.

Recommended Measures

1. Separate Duties over Cash Accounts (Crucial)

Widely recognized as a crucial internal control, separation of duties includes separating the powers of the treasurer and clerk (the person who performs the accounting function, regardless of title), as required by state law. If the roles and responsibilities of treasurer and clerk are *not* 1) separate, 2) independent, and 3) monitored by the governing board, the risk of financial fraud and abuse increases.

In general, the treasurer is responsible for the collection and custody of funds while the clerk validates payment requests, ensures compliance with policy and budgetary restrictions, prepares checks, and records all financial transactions. In situations where proper separation of duties are not maintained, mitigating controls must be implemented. Because of the extreme importance of this control, we have developed a separate questionnaire (see attached) to help determine if basic separation of duties or mitigating controls are in place.

2. Require a Commitment of Ethical Behavior

Purpose

A critical, fundamental, and far-reaching problem facing government today is the lack of public trust and confidence. Government officials are expected to perform their government duties without using their position for personal benefit. A written statement on ethical behavior will provide clarity and serve as a physical reminder of the aspirations of the organization.

Overview

Maintaining an ethical environment requires setting an example and communicating proper expectations at every level of the organization. Training and re-enforcement of

ethical standards must be continuous and applicable. Expectations must point to the highest standards and not excuse bad behavior by anyone for any reason.

Implementation

We recommend the entity set clear expectations and exercise consistent enforcement. We recommend instilling a culture rewarding high ethical standards, rather than rewarding cutting corners or engaging in questionable or self-serving behavior. We recommend that every entity have a written policy and strong practices that address a standard of ethical behavior, including prohibited activities, required disclosures, and clear directions on how and to whom disclosures should be submitted and reviewed. We also recommend that the entity require elected or appointed officials and employees to annually commit in writing to abide by the entity's standards of ethical behavior. This practice will provide an opportunity to review the policy and identify any potential or actual conflicts of interest. Requiring periodic confirmation will deter individuals from acting unethically and identify issues before they become problematic.

3. Adopt and Put Into Practice Written Policies

Overview

The governing body should evaluate policies to make sure they establish proper oversight and direct the organization toward the desired outcomes. The following are key policies along with certain elements that we have identified that are either required by law or best practices to improve the internal control system. As a matter of practical implementation, template policies that contain these elements are available on the Office's website at resources.auditor.utah.gov.

a. Conflict of Interest

1. Specifies who is required to declare conflicts.
2. States that if a new conflict arises during course of business it must be reported.
3. Requires each public official/employee to complete a disclosure form on an at least an annual basis.
4. Identifies the individual/position responsible to gather disclosure forms.
5. Disclosure forms provide the user a way to disclose conflicts or indicate that they have no conflicts.
6. Disclosure forms must list the name and position of the public official/employee.
7. Disclosure forms must list the name of the business entity and ownership interest or position for a business regulated by the entity for which there is a conflict.
8. Disclosure forms must list the name of the business entity and ownership interest or position for businesses doing business with the entity.
9. Disclosure forms must list any investments that may create a conflict with the entity.
10. The disclosure shall be made in a sworn statement filed with the entity's governing body.

b. Procurement

Seek the best value for the entity and promote a competitive purchasing process.

1. Specifies a small item threshold allowing employee or department discretion.
2. Specifies documentation required for each level of purchasing (e.g. small purchases, medium purchases and purchases requiring competitive bid).
3. Specifies purchasing procedures (e.g. advertising methods and time frames, rejection of bids, appeals) for items requiring competitive bid.
4. Lists exemptions and documentation needed for not following regular bidding requirements (e.g. sole source provider, emergency purchases etc.).
5. Addresses improper or illegal conduct:
 - a) Prohibits dividing a procurement to avoid following policy (Utah Code 63G-6a-2404.3)
 - b) Prohibits kickbacks (Utah Code 63G-6a-2404)
 - c) Requires disclosure of conflicts of interest (Utah Code 63G-6a-2406)
 - d) Prohibits cost-plus-a-percentage-of-cost contracts (Utah Code 63G-6a-1205)
 - e) Lists other specific activities that are not allowed (Utah Code 67-16 applies to the state and all political subdivisions)
6. Designates a purchasing agent, specify who may sign contracts including requirement for contracts that must go before the governing body.
7. Has an ethics provision and/or reference Utah Code 67-16.
8. Documents consequences of violating the policy (e.g. formal reprimand, suspension, termination or criminal prosecution).

c. Ethical Behavior

1. Prohibits participation in decisions or actions in which the employee or official has real or reasonably perceived conflict (see conflict of interest policy).
2. Prohibits use of authority for personal gain or that of close friends, family, or business associates.
3. Prohibits receiving gifts, loans or bribes.
4. Requires confidentiality regarding any information not subject to GRAMA.
5. Prohibits violation of nepotism laws (Utah Code 52-3).
6. Prohibits misuse of public resources or property (Utah Code 76-8-4).
7. References the Utah Public Officer and Employee Ethics Act (Utah Code 67-16).
8. Establishes individual accountability, including consequences for noncompliance (e.g. suspension, termination).

d. Reporting Fraud and Abuse

1. Requires the reporting of inappropriate actions or behavior.
2. Provides reporting structure, including alternatives if the employee's normal supervisor is involved.
3. Provides guidance on the type of actions and behaviors which must be reported.
4. Provides guidance on the information to be provided (e.g. names, dates, times, descriptions, effects) when reporting fraud or abuse.
5. Provides whistleblower protection or referrals to Utah Code 67-21-3.
6. Provides for the evaluation, investigation and possible consequences of the alleged action or behavior.

7. Provides for feedback to the employee reporting the action and the governing body.

e. Travel

1. Establishes a process to authorize travel expenditures (i.e. preauthorization).
2. Defines what constitutes allowable and unallowable travel and clearly establishes reasonable limits.
3. Establishes a reporting structure with senior management reporting to the governing body.
4. Establishes individual accountability, including consequences for noncompliance (e.g. suspension, termination, recovery of funds, inability to travel).
5. Requires adequate record keeping (documentation of time, place, business purpose, and authorization).
6. Communicates the public nature of purchase records.
7. Ensures enough information is gathered and communicated to maintain accountability and measure performance.
8. Has a provision to comply with external reporting requirements (e.g. IRS, Utah Public Finance Website reporting).

f. Credit/Purchasing Cards

1. Credit/purchase card issuance should be approved by governing body.
2. Establishes procedures for independent review and reconciliation of each card.
3. Establishes card holder accountability including consequences for noncompliance (e.g. suspension, termination, recovery of funds, or loss of card privileges).
4. Establishes required practices to ensure the security of the card (e.g. signing, storing, and who can use the card).
5. Establishes procedures for card use (e.g. documentation required, timelines, reconciliations, restrictions).

g. Personal Use of Entity Assets

1. Establishes allowable uses, or disallows use, of entity assets and rates if applicable (e.g. making photocopies, use of heavy equipment).
2. Establishes individual accountability, including consequences for noncompliance (e.g. suspension, termination, recovery of funds or loss of privileges).

h. IT & Computer Security

1. Establishes allowable uses of information systems, computer equipment, and the internet.
2. Discloses to the user that the entity has the right to monitor and limit the activities on entity IT systems.
3. Establishes individual accountability, including consequences for noncompliance (e.g. suspension, termination, recovery of funds, or loss of privileges).

i. Cash Receipting and Deposit

1. Establishes a timeline for entering receipts into the accounting system.
2. Establishes a timeline for depositing funds in the bank that complies with the Utah Money Management Act (3 days).

3. Establishes security measures for holding funds before deposit (e.g. safe, vault).
4. Establishes a receipting process for giving the customer documentation of the transaction and also provide sufficient information to understand the purpose of the transaction for management review or audit.
5. Establishes a procedure for entering credit card and ACH transactions into the accounting system.
6. Establishes a separation of duties between the person receiving payments and the person making deposits (smaller entities may require dual sign-off on deposits).
7. Establishes required documentation for voiding or altering a cash receipt, including that it be reviewed by someone that didn't make the correction.
8. Requires system-generated or sequentially-numbered receipts to allow for a review of completeness.
9. Requires cash deposits and receipts to be reconciled and/or reviewed by someone not receiving cash.

4. Hire and Train Qualified Staff

Purpose

In order to ensure the effective and efficient delivery of government services, each entity should identify the knowledge, skills, and abilities (KSA) needed by its management and employees. In technical areas, KSA often align with formal credentials, such as a degree or license. Accounting is an area where degrees and professional designations usually indicate a level of proficiency.

Overview

A licensed Certified Public Accountant (CPA) is the most common designation of a person who possesses the KSA needed to oversee the day-to-day financial operations of an entity. There are several other designations that may indicate similar KSA, such as Certified Government Financial Manager (CGFM), Certified Management Accountant (CMA), Certified Internal Auditor (CIA), Certified Fraud Examiner (CFE), Certified Government Auditing Professional (CGAP), and Certified Public Finance Officer (CPFO). At a minimum, we recommend that every entity have someone with a bachelor's degree in accounting as part of its staff.

Implementation

While not every local government entity needs a full-time CPA, every entity should utilize a qualified accountant to ensure that its finances are protected and accurately reported. Most accounting firms and professional bookkeeping services provide a variety of services on an as-needed basis. We recommend every local government evaluate the level of KSA possessed by its accounting staff and consider contracting with an accounting professional. The accounting professional could perform some or all of the accounting and ensure that the entity has effectively implemented internal controls and meets reporting requirements.

To aid local government entities in identifying and procuring the services of qualified accounting professionals, the Office maintains a qualified vendor list included on the Office's website at resources.auditor.utah.gov. The firms on this list have met the requirements set forth by the Office to provide bookkeeping, compliance reporting, or financial statement preparation for local governments.

5. Provide Effective Training

Overview

Training is vital to any organization, especially governments, where services are essential to economic prosperity and basic human needs. Public officials and key employees need to possess at least a basic understanding of the legal requirements of their entity. We encourage entities to consider the KSA needed to support the services provided by their entity, then determine the appropriate level of training that is needed to maintain those KSA. The entity should provide resources to attend sufficient and appropriate training on an ongoing basis.

Implementation

The Office provides comprehensive but basic training on financial topics for local government board members and finance officers. However, this training serves only as an introduction for those who are new or previously untrained in local government financial matters. We recommend board members and finance officers identify and participate in organizations that provide more advanced training. These organizations may be specific to the government type (e.g. counties, charter schools), a specific type of operation (e.g. sewer, water), or a specific job within the organization (e.g. treasurer, finance officer).

At a minimum, board members should view our online basic but comprehensive training every four years (see training.auditor.utah.gov). Also, at least one member of the finance team, preferably the chief finance officer, should have 40 hours of financial training each year. Financial training includes: auditing, accounting, budgeting, reporting, internal controls, fraud prevention and detection, software, and any other topic that is related to the management of finances.

6. Implement a Hotline

Definition

A hotline is a means by which the public and employees can anonymously report concerns about improper behavior of an entity's officers or employees or concerning practices of the entity.

Overview

Fraud losses are 50% smaller at organizations with hotlines than those without hotlines. According to the Association of Certified Fraud Examiners, 40% of reported instances of fraud are discovered through a tip. More than half of these tips were provided by an employee of the organization and 46% of fraud cases detected by tip were reported through a hotline.

Implementation

An effective hotline can be implemented at virtually no cost and can be as simple as providing an email address or phone number. Hotline submissions should be sent directly to a person who has the resources and objectivity to evaluate the concern and investigate if warranted. All complaints and the results of investigations should be presented to the audit committee of the entity in a timely fashion.

Hotlines should be promoted and easy to access (most entities put a link to their hotline on the main page of their website). Every entity should have a written policy that includes the following:

1. Methods for receiving complaints (e.g. email, phone number).
2. A provision for anonymous complaints.
3. Sufficient direction to ensure complaints are given adequate treatment as follows:
 - a. An initial screening of complaints to be performed by an office not involved in the complaint (this could be accomplished by having it performed by more than one office if an independent internal audit function does not exist or it could be sent directly to the audit committee).
 - b. Audit committee:
 - i. Reviews available evidence.
 - ii. Determines if further investigation is merited. If so;
 - Sets the scope of audit
 - Sets a budget
 - Sets a timeline
 - Provides resources
 - c. Audit results are reported to the audit committee.
 - d. Audit committee approves findings and recommendations.
 - e. Audit committee ensures that findings and recommendations are addressed by the appropriate officers or employees.
 - f. Feedback provided to the complainant, if requested.

7. Implement an Internal Audit Function

Definition

An internal audit function is an organizational initiative to monitor and analyze the entity's own operations in order to determine how well it conforms to a set of specific criteria, such as laws, policies, or best practices. Internal auditors are independent of the work they audit, but are very familiar with it so as to allow them to determine compliance with the requirements for that work.

Overview

An internal audit may focus on financial operations, systems, processes, or compliance. As part of the internal audit plan, auditors try to find discrepancies between operational design and operational reality. Internal audits also help uncover evidence of fraud, waste, or abuse. If internal auditors find discrepancies or inappropriate activities, they document and report them to entity leadership who can prioritize and direct corrective action.

The frequency of internal audits will depend on the department or process being examined. Some types of operations may require daily audits for quality control, others may require only an annual audit of records.

Internal audit plans act as a pre-emptive step in maintaining operational efficiency and financial reliability, as well as safeguarding assets.

Implementation

An internal audit function should be formalized by the adoption of an Internal Audit Charter which identifies who is responsible to oversee the internal audit function and who will perform the internal audits.

Those responsible for internal audits should adopt an audit plan which identifies what will be audited and when it will be audited. The audit plan should be reviewed regularly, usually once per year.

Adaptation for small entities

Only the largest of our local governments can justify a full-time internal auditor. Most local governments can execute an effective internal audit program by contracting with an audit professional to work a few days a year. To eliminate added costs entirely, some entities may coordinate with peer entities and utilize each other's financial staff to act as internal auditors. Keep in mind, internal auditors need a solid understanding of audit principles and should use work programs that are designed to effectively identify violations of the laws or policies they are auditing.

8. Use an Audit Committee

Purpose

An audit committee assists the governing body in its financial oversight responsibilities.

Membership

We recommend that members of the audit committee are a subset of the governing body. An audit committee should have a financial expert who is not a member of management. This can be achieved by having a governing body member who is a financial expert, or acquiring the assistance of a volunteer or paid professional financial expert. Finance officers from other local governments should be considered when looking for a financial expert, as they are independent and have a working knowledge of government accounting issues.

Functions

An audit committee must ensure the following:

1. Management develops and enforces systems that ensure the entity accomplishes its mission effectively and efficiently while complying with laws and regulations.
2. The internal audit function objectively assesses the effectiveness of management's internal control program.
3. Financial statement audits are performed by a qualified, independent accounting firm and issues identified during those audits are reviewed and resolved as appropriate.
4. Hotline complaints are investigated and findings are addressed by the governing body.

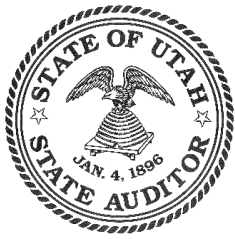
Risk Score

We have developed a five-level assessment score that is intended to communicate the entity's risk of undetected fraud, abuse, or noncompliance. The levels are based upon points assigned to each of the recommended measures. Since some measures are more effective than others, the most effective measures are assigned the most points. As more measures are adopted the score improves. The higher the score, the lower the risk.

The scale and corresponding levels are as follows:

- Very Low
- Low
- Moderate
- High
- Very High

See the *Fraud Risk Assessment Questionnaire* (attached) for specific points assigned to each measure and how point totals correspond to the risk scale.



Revised December 2020

Fraud Risk Assessment

INSTRUCTIONS:

- Reference the *Fraud Risk Assessment Implementation Guide* to determine which of the following recommended measures have been implemented.
- Indicate successful implementation by marking “Yes” on each of the questions in the table. Partial points may not be earned on any individual question.
- Total the points of the questions marked “Yes” and enter the total on the “Total Points Earned” line.
- Based on the points earned, circle/highlight the risk level on the “Risk Level” line.
- Enter on the lines indicated the entity name, fiscal year for which the Fraud Risk Assessment was completed, and date the Fraud Risk Assessment was completed.
- Print CAO and CFO names on the lines indicated, then have the CAO and CFO provide required signatures on the lines indicated.

Fraud Risk Assessment

Continued

*Total Points Earned: ____/395 *Risk Level:

Very Low	Low	Moderate	High	Very High
> 355	316-355	276-315	200-275	< 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?		200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?		5
b. Procurement?		5
c. Ethical behavior?		5
d. Reporting fraud and abuse?		5
e. Travel?		5
f. Credit/Purchasing cards (where applicable)?		5
g. Personal use of entity assets?		5
h. IT and computer security?		5
i. Cash receipting and deposits?		5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?		20
a. Do any members of the management team have at least a bachelor's degree in accounting?		10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?		20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training (training.auditor.utah.gov) within four years of term appointment/election date?		20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?		20
7. Does the entity have or promote a fraud hotline?		20
8. Does the entity have a formal internal audit function?		20
9. Does the entity have a formal audit committee?		20

*Entity Name: _____

*Completed for Fiscal Year Ending:

*Completion Date:

*CAO Name: _____ *CFO Name: _____

*CAO Signature: _____ *CFO Signature: _____

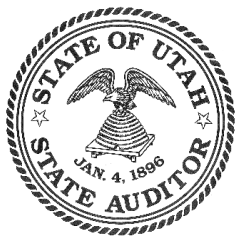
*Required

Basic Separation of Duties

See the following page for instructions and definitions.

	Yes	No	MC*	N/A
1. Does the entity have a board chair, clerk, and treasurer who are three separate people?				
2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries?				
3. Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A".				
4. Are all the people who have access to blank checks different from those who are authorized signers?				
5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements?				
6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts?				
7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A".				
8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A".				
9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A".				
10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services?				
11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".				
12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".				

* MC = Mitigating Control



Revised December 2020

Basic Separation of Duties

Continued

Instructions: Answer questions 1-12 on the Basic Separation of Duties Questionnaire using the definitions provided below.

☺ If all of the questions were answered “Yes” or “No” with mitigating controls (“MC”) in place, or “N/A,” the entity has achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will be answered “Yes.” 200 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

☹ If any of the questions were answered “No,” and mitigating controls are not in place, the entity has not achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will remain blank. 0 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

Definitions:

Board Chair is the elected or appointed chairperson of an entity’s governing body, e.g. Mayor, Commissioner, Councilmember or Trustee. The official title will vary depending on the entity type and form of government.

Clerk is the bookkeeper for the entity, e.g. Controller, Accountant, Auditor or Finance Director. Though the title for this position may vary, they validate payment requests, ensure compliance with policy and budgetary restrictions, prepare checks, and record all financial transactions.

Chief Administrative Officer (CAO) is the person who directs the day-to-day operations of the entity. The CAO of most cities and towns is the mayor, except where the city has a city manager. The CAO of most local and special districts is the board chair, except where the district has an appointed director. In school districts, the CAO is the superintendent. In counties, the CAO is the commission or council chair, except where there is an elected or appointed manager or executive.

General Ledger is a general term for accounting books. A general ledger contains all financial transactions of an organization and may include sub-ledgers that are more detailed. A general ledger may be electronic or paper based. Financial records such as invoices, purchase orders, or depreciation schedules are not part of the general ledger, but rather support the transaction in the general ledger.

Mitigating Controls are systems or procedures that effectively mitigate a risk in lieu of separation of duties.

Original Bank Statement means a document that has been received directly from the bank. Direct receipt of the document could mean having the statement 1) mailed to an address or PO Box separate from the entity’s place of business, 2) remain in an unopened envelope at the entity offices, or 3) electronically downloaded from the bank website by the intended recipient. The key risk is that a treasurer or clerk who is intending to conceal an unauthorized transaction may be able to physically or electronically alter the statement before the independent reviewer sees it.

Treasurer is the custodian of all cash accounts and is responsible for overseeing the receipt of all payments made to the entity. A treasurer is always an authorized signer of all entity checks and is responsible for ensuring cash balances are adequate to cover all payments issued by the entity.

Basic Separation of Duties

Continued

Instructions: Answer questions 1-12 on the Basic Separation of Duties Questionnaire using the definitions provided below.

☺ If all of the questions were answered “Yes” or “No” with mitigating controls (“MC”) in place, or “N/A,” the entity has achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will be answered “Yes.” 200 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

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Board Chair is the elected or appointed chairperson of an entity’s governing body, e.g. Mayor, Commissioner, Councilmember or Trustee. The official title will vary depending on the entity type and form of government.

Clerk is the bookkeeper for the entity, e.g. Controller, Accountant, Auditor or Finance Director. Though the title for this position may vary, they validate payment requests, ensure compliance with policy and budgetary restrictions, prepare checks, and record all financial transactions.

Chief Administrative Officer (CAO) is the person who directs the day-to-day operations of the entity. The CAO of most cities and towns is the mayor, except where the city has a city manager. The CAO of most local and special districts is the board chair, except where the district has an appointed director. In school districts, the CAO is the superintendent. In counties, the CAO is the commission or council chair, except where there is an elected or appointed manager or executive.

General Ledger is a general term for accounting books. A general ledger contains all financial transactions of an organization and may include sub-ledgers that are more detailed. A general ledger may be electronic or paper based. Financial records such as invoices, purchase orders, or depreciation schedules are not part of the general ledger, but rather support the transaction in the general ledger.

Mitigating Controls are systems or procedures that effectively mitigate a risk in lieu of separation of duties.

Original Bank Statement means a document that has been received directly from the bank. Direct receipt of the document could mean having the statement 1) mailed to an address or PO Box separate from the entity’s place of business, 2) remain in an unopened envelope at the entity offices, or 3) electronically downloaded from the bank website by the intended recipient. The key risk is that a treasurer or clerk who is intending to conceal an unauthorized transaction may be able to physically or electronically alter the statement before the independent reviewer sees it.

Treasurer is the custodian of all cash accounts and is responsible for overseeing the receipt of all payments made to the entity. A treasurer is always an authorized signer of all entity checks and is responsible for ensuring cash balances are adequate to cover all payments issued by the entity.

Basic Separation of Duties

See the following page for instructions and definitions.

	Yes	No	MC*	N/A
1. Does the entity have a board chair, clerk, and treasurer who are three separate people?	✓			
2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries?	✓			
3. Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A".			✓	
4. Are all the people who have access to blank checks different from those who are authorized signers?	✓			
5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements?	.		✓	
6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts?	✓			
7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A".	✓			
8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A".	✓			
9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A".	✓			
10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services?	✓			
11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	✓			
12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	✓			

* MC = Mitigating Control



Revised December 2020

Fraud Risk Assessment

INSTRUCTIONS:

- Reference the *Fraud Risk Assessment Implementation Guide* to determine which of the following recommended measures have been implemented.
- Indicate successful implementation by marking "Yes" on each of the questions in the table. Partial points may not be earned on any individual question.
- Total the points of the questions marked "Yes" and enter the total on the "Total Points Earned" line.
- Based on the points earned, circle/highlight the risk level on the "Risk Level" line.
- Enter on the lines indicated the entity name, fiscal year for which the Fraud Risk Assessment was completed, and date the Fraud Risk Assessment was completed.
- Print CAO and CFO names on the lines indicated, then have the CAO and CFO provide required signatures on the lines indicated.

Fraud Risk Assessment

Continued

*Total Points Earned: 270 /395 *Risk Level: Very Low Low Moderate High Very High
 > 355 316-355 276-315 200-275 < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	<input checked="" type="checkbox"/>	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?		5
b. Procurement?		5
c. Ethical behavior?		5
d. Reporting fraud and abuse?		5
e. Travel?		5
f. Credit/Purchasing cards (where applicable)?		5
g. Personal use of entity assets?		5
h. IT and computer security?		5
i. Cash receipting and deposits?		5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?	<input checked="" type="checkbox"/>	20
a. Do any members of the management team have at least a bachelor's degree in accounting?	<input checked="" type="checkbox"/>	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?		20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training (training.auditor.utah.gov) within four years of term appointment/election date?	<input checked="" type="checkbox"/>	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	<input checked="" type="checkbox"/>	20
7. Does the entity have or promote a fraud hotline?		20
8. Does the entity have a formal internal audit function?		20
9. Does the entity have a formal audit committee?		20

*Entity Name: Hideout Town

*Completed for Fiscal Year Ending: 6/30/2021 *Completion Date: 6/4/2021

*CAO Name: _____ *CFO Name: Wesley Bingham

*CAO Signature: _____ *CFO Signature: Wesley Bm

*Required

Town Council Staff Report

MEETING DATE: 06/10/2021

SUBJECT: Fraud Risk Assessment

RESPONSIBLE: Wesley Bingham

DEPARTMENT: Administration

STRATEGIC RELEVANCE: Necessary Administrative Action

SUMMARY

Once a year the Town is required to review the Fraud Risk Assessment to determine if the internal control function is operating effectively and that the risk is low of fraud and abuse.

RECOMMENDATION

Discuss the questions contained in the fraud risk assessment and report to the council on associated controls and culture within the Town. Discuss improvements that should be made.

BACKGROUND

The Office of the State Auditor released the implementation guide for the fraud risk assessment. It is to be completed and submitted to the auditor prior to every fiscal year end as part of the audit. Completing this assessment requires management to discuss the questionnaire results with the council.

DISCUSSION

The Office of the State Auditor regularly receives complaints of fraud or abuse by local government officials. The Office is also aware of internal investigations performed by local governments of their own officials and employees. Some of these situations receive significant media coverage, while others are resolved with less publicity. In either case, the level of concern by the public and local and state officials is significant. Many have asked the Office for more direction on how to prevent such occurrences in the future. The program outlined in this guide is designed to help measure and reduce the risk of undetected fraud, abuse, and noncompliance in local governments of all types and sizes. This assessment is a starting point, it is the hope of the state auditor that local governments will add to and adapt to improve how they manage their internal controls.

FISCAL IMPACT

No fiscal impact.

CONCLUSION

Discuss the importance of the tone being set at the top, basic segregation of duties, use of an audit committee and other internal controls. Discuss improvements to be made and take suggestions.

CONTRACT ACCOUNTABILITY

Department: Administration

Staff Member: Wesley Bingham

EXHIBITS

- | | |
|---|---------------|
| A. Fraud Risk Assessment and Implementation Guide | [Pages 3-15] |
| B. Completed Fraud Risk Assessment | [Pages 16-17] |

File Attachments for Item:

1. Public Emails

Alicia Fairbourne

From: [REDACTED] on behalf of Patricia M Bidwill [REDACTED]
Sent: Wednesday, June 23, 2021 11:58 AM
To: hideoututah
Subject: Feedback via the Town of Hideout - Contact Us Form [#92]

Follow Up Flag: Follow up
Flag Status: Flagged

Name*: Patricia M Bidwill

Email*: [REDACTED]

Contact Number*: [REDACTED]

Subject*: Dark skies

Message*: I would like Hideout to adopt the highest level of restrictions to protect our dark skies. An important scarce resource
Thank you
Owner in Golden Eagle
Thank you

[REDACTED]

Alicia Fairbourne

From: [REDACTED] on behalf of Vicki McCleary [REDACTED]
Sent: Monday, May 3, 2021 10:56 AM
To: hideoututah
Subject: Feedback via the Town of Hideout - Contact Us Form [#87]

Follow Up Flag: Follow up
Flag Status: Completed

Name*: Vicki McCleary

Email*: [REDACTED]

Contact Number*: [REDACTED]

Subject*: 84036

Message*:

I live in Deer Waters and realize a part of Shoreline is closed. This morning at 6:15, I was trying to walk my dog, and a red truck must have missed the access road and went through DW at 50+ MPH. He almost hit me and my dog. Then he went to the access road and went even faster. Then, it was Iron Horse trucks nonstop to the point I couldn't even cross the street, and they also were going 50+ MPH in a 20 MPH area. It's death defying to be out then with these trucks who have no respect. There are pets, children, and deer all over. These construction trucks and workers are seriously harming this environment, and I'm so angry at their disregard for human or animal life.

[REDACTED]

Alicia Fairbourne

From: [REDACTED] on behalf of Ray Brideau [REDACTED]
Sent: Thursday, May 20, 2021 9:26 PM
To: hideoututah
Subject: Feedback via the Town of Hideout - Contact Us Form [#89]

Follow Up Flag: Follow up
Flag Status: Completed

Name*: Ray Brideau

Email*: [REDACTED]

Contact Number*: [REDACTED]

Subject*: Power Lines

Message*:

First let me say I don't envy what our town government has been tasked with recently, Mr. Martino, the developers and the Richardson flats issues seem to be all consuming. I hate to add one more thing to your plate but I am not sure where to go with our concern about the state of the power lines that were re routed last year. The pole heading west to east from the lake are leaning and the power lines are now supporting the poles. We are concerned that should the poles fail, there could be a catastrophic fire caused by the power lines. We spoke with Rocky Mountain and they said they are in a dispute with GCD as they feel GCD is responsible. This seems to be a public safety matter and the parties can deal with responsibility in court after it is fixed. Who is going to address this before we have a serious problem?

Thanks so much.

Ray

[REDACTED]

File Attachments for Item:

1. Discussion and possible approval of an adjustment for planning fees and water rate increase

Section 1.2 Planning Fees		
1.2.1 Development Fees		
	Current Fees	Proposed Fees
Concept Review	\$2,000 (plus overage costs)	Application Fee: \$1,000
		Escrow Fee: \$2,500 (with a minimum required balance of \$500)
		Meetings: One (1) Planning Commission Meeting
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>	Application Fee: \$3,750 + \$100/acre <i>*Preliminary Review not required if Applicant wishes to proceed directly to Final Review</i>
		Escrow Fee: \$10,000 (with a minimum required balance of \$2,500)
		Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Preliminary Subdivision (Residential) - Major (6 Lots or More)	\$6,000 + \$100/acre (plus overage costs)	Application Fee: \$5,500 + \$100/acre
		Escrow Fee: \$15,000 (with a minimum required balance of \$5,000)
		Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Preliminary Subdivision (Commercial/Other)	\$3,500 + \$750/acre (plus overage costs)	Application Fee: \$2,750 + \$750/acre
		Escrow Fee: \$10,000 (with a minimum required balance of \$2,500)
		Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings

**TOWN OF HIDEOUT
FEES AND RATES SCHEDULE**

RESOLUTION Item # 1. **X**
EFFECTIVE JULY **1**

	Current Fees	Proposed Fees
Final Subdivision (Residential) - Minor (5 Lots or Fewer)	\$2,000 + \$100/acre (plus overage costs) if Preliminary Subdivision review complete; OR \$5,000 + \$100/acre (plus overage costs) if Preliminary Review not completed	\$2,000 + \$100/acre if Preliminary Subdivision review complete; <i>OR</i> \$5,000 + \$100/acre if Preliminary Review not completed
		Escrow Fee: \$10,000 (with a minimum required balance of \$2,500)
		Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Final Subdivision (Residential) - Major (6 Lots or More)	\$6,500 + \$100/acre (plus overage costs)	Application Fee: \$5,000 + \$100/acre
		Escrow Fee: \$15,000 (with a minimum required balance of \$5,000)
		Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Final Subdivision (Commercial/Other)	\$3,500 + \$750/acre (plus overage costs)	Application Fee: \$3,000 + \$750/acre
		Escrow Fee: \$10,000 (with a minimum required balance of \$2,500)
		Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Plat Amendment and Lot Combination	\$1,250 (plus overage costs)	Application Fee: \$1,250
		Escrow Fee: \$5,000 (with a minimum required balance of \$1,000)
		Meetings: One (1) Planning Commission Meeting and One (1) Town Council Meeting
Revised Development Plans	\$1,500 (plus overage costs)	Application Fee: \$1,500
		Escrow Fee: \$5,000 (with a minimum required balance of \$1,000)
		Meetings: One (1) Planning Commission Meeting
Subdivision Construction Fee	5% of construction costs (must be paid prior to commencement of any construction activity)	5% of construction costs (must be paid prior to commencement of any construction activity)

**TOWN OF HIDEOUT
FEES AND RATES SCHEDULE**

RESOLUTION Item # 1. **X**
EFFECTIVE JULY 1

	Current Fees	Proposed Fees
1.2.2 Conditional Use Permit		
Conditional Use Permit	\$3,000 (plus overage costs)	Application Fee: \$1,500
		Escrow Fee: \$2,500 (with a minimum required balance of \$500)
		Meetings: One (1) Planning Commission Meeting and One (1) Town Council Meeting

1.2.3 Temporary Use Permit		
Temporary Use Permit	\$750 (plus overage costs)	Application Fee: \$750

1.2.4 General Plan Amendment		
Per Application	\$7,500 (plus overage costs)	Application Fee: \$2,500
		Escrow Fee: \$5,000 (with a minimum required balance of \$1,000)
		Meetings: Two (2) Planning Commission Meetings and One (1) Town Council Meeting

1.2.5 Zone Change Application		
Zone Change	\$5,000 + \$50/acre (plus overage costs)	Application Fee: \$3,000 + \$50/acre
		Escrow Fee: \$5,000 (with a minimum required balance of \$1,000)
		Meetings: Two (2) Planning Commission Meetings and One (1) Town Council Meeting

1.2.6 Annexations		
Pre-Application	\$7,500 (plus overage costs)	Application Fee: \$3,000
		Escrow Fee: \$10,000 (with a minimum required balance of \$2,500)
		Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings

**TOWN OF HIDEOUT
FEES AND RATES SCHEDULE**

RESOLUTION Item # 1. **X**
EFFECTIVE JULY **1**

	Current Fees	Proposed Fees
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)	\$10,000 (plus overage costs)	Application Fee: \$7,500
		Escrow Fee: \$15,000 (with a minimum required balance of \$5,000)
		Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Annexation Areas Less Than 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)	\$7,500 (plus overage costs)	Application Fee: \$5,000
		Escrow Fee: \$10,000 (with a minimum required balance of \$2,500)
		Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Annexation Fiscal Impact Analysis plus actual cost of Town-approved consultant fee if greater than initial fee	\$2,500.00	Fee: \$3,500
Modification to Annexation Agreement	\$3,500 (plus overage costs)	Application Fee: \$2,000
		Escrow Fee: \$10,000 (with a minimum required balance of \$2,500)
		Meetings: Two (2) Planning Commission Meetings and One (1) Town Council Meeting

**TOWN OF HIDEOUT
FEES AND RATES SCHEDULE**

RESOLUTION Item # 1. **X**
EFFECTIVE JULY **1**

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

1.2.8 Special Meetings		
Special Meeting Fee	\$750 in addition to other fees	Fee: \$1,000 (in addition to all other applicable fees)

** Fees and Rates Schedule: All review work by the Town's consultants will be halted when an escrow account falls below the minimum balance as defined for each specific review process until the escrow account is replenished to a minimum of 75% of the originally required escrow amount.*

*** Each additional meeting (either Planning Commission or Town Council) will require an additional fee of \$2,500 and must be paid at least two weeks prior to the scheduled meeting.*

**** These fees are in addition to any requested Special Meetings (which have a fee of \$1,000/meeting).*

6.3 Monthly Water Metered Service**6.3.1 Residential****25% Increase****EXISTING****PROPOSED**

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

\$91.25 for the first 10,000 gallons
\$11.00 per 1,000
\$13.25 per 1,000
\$14.63 per 1,000
\$16.13 per 1,000
\$17.75 per 1,000
\$19.63 per 1,000
\$21.63 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

\$175.00 for the first 10,000 gallons
\$19.25 per 1,000
\$21.25 per 1,000
\$23.38 per 1,000
\$25.75 per 1,000
\$28.38 per 1,000
\$31.25 per 1,000
\$34.38 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

\$0.00
\$91.25 for 1 to 10,000 gallons
\$10.13 per 1,000
\$11.25 per 1,000
\$12.38 per 1,000
\$13.63 per 1,000
\$15.00 per 1,000
\$16.50 per 1,000
\$18.25 per 1,000

TOWN OF HIDEOUT FEE & RATE RESOLUTION #2021-XX

(Repealing and Replacing Resolution #2021-02 dated April 18, 2021)

A RESOLUTION ADOPTING FEE SCHEDULES AND POLICIES FOR PLANNING, SUBDIVISIONS, SIGN CODE, WATER IMPACT FEES AND WATER SERVICE USE AND OTHER FEES.

WHEREAS, the Hideout Town Council has the authority to set rates for its planning, culinary water utilities fees; and

WHEREAS, the Town of Hideout contracts with the Jordanelle Special Service District (JSSD) for the supply of wholesale water and waste water treatment; and

WHEREAS, the Budget Committee approved a recommended rate increase to account for the rate increases; and

WHEREAS, the Town of Hideout has experienced significant growth and development, and

WHEREAS, the review of the planning and engineering plan sets requires detailed technical analysis for the Planning Commission and the Town Council, and

WHEREAS, the Town desires to pass through charges for costs incurred, as appropriate, to the developer, and

WHEREAS, it is necessary to update the current fee schedule to reflect the costs of professional consulting services, and water fees to address the costs of the increased fees charged by JSSD,

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 24th day of June, 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 (conditional)	\$250.00
Excavation (conditional)	\$400.00
Water Connection Fee (plus cost of meter and insulation)	\$985.00
JSSD Sewer Impact Fee:	
Parcel 1 (West side of SR 248)	\$7,231.00
Parcel 2 (East side of SR 248)	\$5,083.00
JSSD Water Impact Fee (Parcel 1 - West side of SR 248)	\$7,028.00
State Surcharge	1% of Building Fee
Roadway Construction Fee	\$500
Impact Fee (by subdivision)	See Section 10

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
JSSD Sewer Impact Fee:	
Parcel 1 (West side of SR 248)	\$7,231.00
Parcel 2 (East side of SR 248)	\$5,083.00
JSSD Water Impact Fee (Parcel 1 - West side of SR 248)	\$7,028.00
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	Application Fee: \$1,000 Escrow Fee: \$2,500 (with a minimum required balance of \$500) Meetings: One (1) Planning Commission Meeting
Preliminary Subdivision (Residential) - Minor (5 Lots or Fewer)	Application Fee: \$3,750 + \$100/acre Escrow Fee: \$10,000 (with a minimum required balance of \$500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Preliminary Subdivision (Residential) - Major (6 Lots or More)	Application Fee: \$5,500 + \$100/acre Escrow Fee: \$15,000 (with a minimum required balance of \$5,000) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Preliminary Subdivision (Commercial/Other)	Application Fee: \$2,750 + \$750/acre Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Final Subdivision (Residential) - Minor (5 Lots or Fewer)	\$2,000 + \$100/acre if Preliminary Subdivision review complete; OR \$5,000 + \$100/acre if Preliminary Review not completed Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Final Subdivision (Residential) - Major (6 Lots or More)	Application Fee: \$5,000 + \$100/acre Escrow Fee: \$15,000 (with a minimum required balance of \$5,000) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Final Subdivision (Commercial/Other)	Application Fee: \$3,000 + \$750/acre Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Plat Amendment and Lot Combination	Application Fee: \$1,250 Escrow Fee: \$5,000 (with a minimum required balance of \$1,000) Meetings: One (1) Planning Commission Meeting and One (1) Town Council Meeting
Revised Development Plans	Application Fee: \$1,500 Escrow Fee: \$5,000 (with a minimum required balance of \$1,000) Meetings: One (1) Planning Commission Meeting

Subdivision Construction Fee	5% of construction costs (must be paid prior to commencement of any construction activity)
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1.2.2 Conditional Use Permit

Conditional Use Permit	Application Fee: \$1,500 Escrow Fee: \$2,500 (with a minimum required balance of \$500) Meetings: One (1) Planning Commission Meeting and One (1) Town Council Meeting
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1.2.3 Temporary Use Permit

Temporary Use Permit

Application Fee: \$750

1.2.4 General Plan Amendment

Per Application	Application Fee: \$2,500 Escrow Fee: \$5,000 (with a minimum required balance of \$1,000) Meetings: Two (2) Planning Commission Meetings and One (1) Town Council Meeting
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1.2.5 Zone Change Application

Zone Change	Application Fee: \$3,000 + \$50/acre Escrow Fee: \$5,000 (with a minimum required balance of \$1,000) Meetings: Two (2) Planning Commission Meetings and One (1) Town Council Meeting
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1.2.6 Annexations

Pre-Application	Application Fee: \$3,000 Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
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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)	Application Fee: \$7,500 Escrow Fee: \$15,000 (with a minimum required balance of \$5,000) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
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Annexation Areas Less Than 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)	Application Fee: \$5,000 Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
--	---

Annexation Fiscal Impact Analysis plus actual cost of Town-approved consultant fee if greater than initial fee	Fee: \$3,500
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Modification to Annexation Agreement	Application Fee: \$2,000 Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: One (1) Planning Commission Meetings and Two (2) Town Council Meetings
--------------------------------------	---

1.2.7 Sign Review Fees

Master Sign Plan Review	Application Fee: \$500
Individual Signs or Sign Plans or Minor Amendment to Existing	Application Fee: \$350
Individual Signs when a Master Sign Plan has been Approved	Application Fee: \$250
Temporary Signs	Application Fee: \$150

1.2.8 Special Meetings

Special Meeting Fee	Fee: \$1,000 (in addition to all other applicable fees)
---------------------	---

* Fees and Rates Schedule: All review work by the Town's consultants will be halted when an escrow account falls below the minimum balance as defined for each specific review process until the escrow account is replenished to a minimum of 75% of the originally required escrow amount.

** Each additional meeting (either Planning Commission or Town Council) will require an additional fee of \$2,500 and must be paid at least two weeks prior to the scheduled meeting.

*** These fees are in addition to any requested Special Meetings (which have a fee of \$1,000/meeting).

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
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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
Water Re-Connection Fee (plus cost of meter)	\$150.00
Utility Property Owner Transfer Fee	\$20.00

6.3 Monthly Water Metered Service

6.3.1 Residential

Base Rate	\$91.25 for the first 10,000 gallons
Next 10,000	\$11.00 per 1,000
Next 10,000	\$13.25 per 1,000
Next 20,000	\$14.63 per 1,000
Next 20,000	\$16.13 per 1,000
Next 20,000	\$17.75 per 1,000
Next 20,000	\$19.63 per 1,000
Over 110,000	\$21.63 per 1,000

6.3.2 Multifamily

Base rate	\$175.00 for the first 10,000 gallons
Next 20,000	\$19.25 per 1,000
Next 20,000	\$21.25 per 1,000
Next 20,000	\$23.38 per 1,000
Next 20,000	\$25.75 per 1,000
Next 20,000	\$28.38 per 1,000
Next 30,000	\$31.25 per 1,000
Over 140,000	\$34.38 per 1,000

6.3.3 Parks/Irrigation

0 Usage	\$0.00
First 10,000	\$91.25 for 1 to 10,000 gallons
Next 20,000	\$10.13 per 1,000
Next 20,000	\$11.25 per 1,000
Next 20,000	\$12.38 per 1,000
Next 20,000	\$13.63 per 1,000
Next 20,000	\$15.00 per 1,000
Next 30,000	\$16.50 per 1,000
Over 140,000	\$18.25 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

6.8 JSSD Water Impact Fee

JSSD Water Impact Fee (Parcel 1 - West side of SR 248)	\$7,028.00
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Section 7 Sewer Fees

7.1 JSSD Sewer Impact Fees

Bonded (Parcel 2 - East side of SR 248)	\$5,083.00
Unbonded (Parcel 1 - West side of SR 248)	\$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

TOWN OF HIDEOUT FEE & RATE RESOLUTION #2021-R-06

(Repealing and Replacing Resolution #2021-02 dated April 18, 2021)

A RESOLUTION ADOPTING FEE SCHEDULES AND POLICIES FOR PLANNING, SUBDIVISIONS, SIGN CODE, WATER IMPACT FEES AND WATER SERVICE USE AND OTHER FEES.

WHEREAS, the Hideout Town Council has the authority to set rates for its planning, culinary water utilities fees; and

WHEREAS, the Town of Hideout contracts with the Jordanelle Special Service District (JSSD) for the supply of wholesale water and waste water treatment; and

WHEREAS, the Budget Committee approved a recommended rate increase to account for the rate increases; and

WHEREAS, the Town of Hideout has experienced significant growth and development, and

WHEREAS, the review of the planning and engineering plan sets requires detailed technical analysis for the Planning Commission and the Town Council, and

WHEREAS, the Town desires to pass through charges for costs incurred, as appropriate, to the developer, and

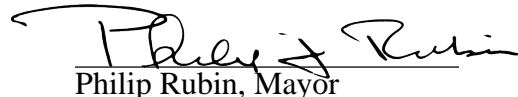
WHEREAS, it is necessary to update the current fee schedule to reflect the costs of professional consulting services, and water fees to address the costs of the increased fees charged by JSSD,

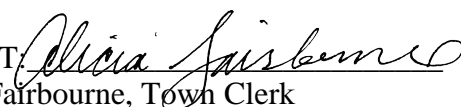
NOW, THEREFORE, BE IT RESOLVED by the Town Council of Hideout Town, State of Utah, as follows:

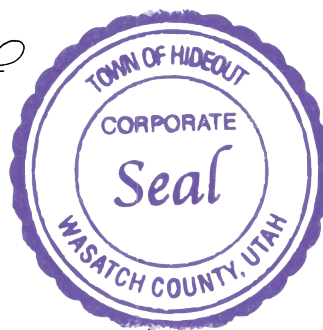
The Fee Schedule(s) as adopted by any previous Resolutions or Ordinances and that are updated or contained in this Resolution are hereby repealed and in its place this Resolution is adopted establishing the fees for various Town services, permits and processes as attached in Exhibit A. All other parts, 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 24th day of June, 2021.

THE TOWN OF HIDEOUT


Philip Rubin, Mayor

ATTEST: 
Alicia Fairbourne, Town Clerk



TOWN OF HIDEOUT
FEES AND RATES SCHEDULE

Resolution 2021
 Updated 6/24/2021

Item # 1.

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 (conditional)	\$250.00
Excavation (conditional)	\$400.00
Water Connection Fee (plus cost of meter and insulation)	\$985.00
JSSD Sewer Impact Fee:	
Parcel 1 (West side of SR 248)	\$7,231.00
Parcel 2 (East side of SR 248)	\$5,083.00
JSSD Water Impact Fee (Parcel 1 - West side of SR 248)	\$7,028.00
State Surcharge	1% of Building Fee
Roadway Construction Fee	\$500
Impact Fee (by subdivision)	See Section 10

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
JSSD Sewer Impact Fee:	
Parcel 1 (West side of SR 248)	\$7,231.00
Parcel 2 (East side of SR 248)	\$5,083.00
JSSD Water Impact Fee (Parcel 1 - West side of SR 248)	\$7,028.00
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

TOWN OF HIDEOUT
FEES AND RATES SCHEDULE

Resolution 2021
Updated 6/24/2021

Item # 1.

Section 1.2
Planning Fees

1.2.1 Development Fees

Concept Review	Application Fee: \$1,000 Escrow Fee: \$2,500 (with a minimum required balance of \$500) Meetings: One (1) Planning Commission Meeting
Preliminary Subdivision (Residential) - Minor (5 Lots or Fewer)	Application Fee: \$3,750 + \$100/acre Escrow Fee: \$10,000 (with a minimum required balance of \$500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Preliminary Subdivision (Residential) - Major (6 Lots or More)	Application Fee: \$5,500 + \$100/acre Escrow Fee: \$15,000 (with a minimum required balance of \$5,000) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Preliminary Subdivision (Commercial/Other)	Application Fee: \$2,750 + \$750/acre Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Final Subdivision (Residential) - Minor (5 Lots or Fewer)	\$2,000 + \$100/acre if Preliminary Subdivision review complete; OR \$5,000 + \$100/acre if Preliminary Review not completed Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Final Subdivision (Residential) - Major (6 Lots or More)	Application Fee: \$5,000 + \$100/acre Escrow Fee: \$15,000 (with a minimum required balance of \$5,000) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Final Subdivision (Commercial/Other)	Application Fee: \$3,000 + \$750/acre Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Plat Amendment and Lot Combination	Application Fee: \$1,250 Escrow Fee: \$5,000 (with a minimum required balance of \$1,000) Meetings: One (1) Planning Commission Meeting and One (1) Town Council Meeting

TOWN OF HIDEOUT
FEES AND RATES SCHEDULE

Resolution 2021
Updated 6/24/2021

Item # 1.

Revised Development Plans	Application Fee: \$1,500 Escrow Fee: \$5,000 (with a minimum required balance of \$1,000) Meetings: One (1) Planning Commission Meeting
Subdivision Construction Fee	5% of construction costs (must be paid prior to commencement of any construction activity)

1.2.2 Conditional Use Permit

Conditional Use Permit	Application Fee: \$1,500 Escrow Fee: \$2,500 (with a minimum required balance of \$500) Meetings: One (1) Planning Commission Meeting and One (1) Town Council Meeting
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1.2.3 Temporary Use Permit

Temporary Use Permit	Application Fee: \$750
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1.2.4 General Plan Amendment

Per Application	Application Fee: \$2,500 Escrow Fee: \$5,000 (with a minimum required balance of \$1,000) Meetings: Two (2) Planning Commission Meetings and One (1) Town Council Meeting
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1.2.5 Zone Change Application

Zone Change	Application Fee: \$3,000 + \$50/acre Escrow Fee: \$5,000 (with a minimum required balance of \$1,000) Meetings: Two (2) Planning Commission Meetings and One (1) Town Council Meeting
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1.2.6 Annexations

Pre-Application	Application Fee: \$3,000 Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
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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)	Application Fee: \$7,500 Escrow Fee: \$15,000 (with a minimum required balance of \$5,000) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
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TOWN OF HIDEOUT
FEES AND RATES SCHEDULE

Resolution 2021
Updated 6/24/2021

Item # 1.

Annexation Areas Less Than 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)	Application Fee: \$5,000 Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: Two (2) Planning Commission Meetings and Two (2) Town Council Meetings
Annexation Fiscal Impact Analysis plus actual cost of Town-approved consultant fee if greater than initial fee	Fee: \$3,500

Modification to Annexation Agreement	Application Fee: \$2,000 Escrow Fee: \$10,000 (with a minimum required balance of \$2,500) Meetings: One (1) Planning Commission Meetings and Two (2) Town Council Meetings
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1.2.7 Sign Review Fees

Master Sign Plan Review	Application Fee: \$500
Individual Signs or Sign Plans or Minor Amendment to Existing	Application Fee: \$350
Individual Signs when a Master Sign Plan has been Approved	Application Fee: \$250
Temporary Signs	Application Fee: \$150

1.2.8 Special Meetings

Special Meeting Fee	Fee: \$1,000 (in addition to all other applicable fees)
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* Fees and Rates Schedule: All review work by the Town's consultants will be halted when an escrow account falls below the minimum balance as defined for each specific review process until the escrow account is replenished to a minimum of 75% of the originally required escrow amount.

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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
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TOWN OF HIDEOUT
FEES AND RATES SCHEDULE

Resolution 2021
Updated 6/24/2021

Item # 1.

Section 2
Business License, Beer and Liquor License

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Section 3
Rental of Town Facilities

3.1 Town Hall Building

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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.

TOWN OF HIDEOUT
FEES AND RATES SCHEDULE

Resolution 2021
Updated 6/24/2021

Item # 1.

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Next 20,000	\$17.75 per 1,000
Next 20,000	\$19.63 per 1,000
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6.3.2 Multifamily

Base rate	\$175.00 for the first 10,000 gallons
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Next 20,000	\$23.38 per 1,000
Next 20,000	\$25.75 per 1,000
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Next 20,000	\$12.38 per 1,000
Next 20,000	\$13.63 per 1,000
Next 20,000	\$15.00 per 1,000

TOWN OF HIDEOUT
FEES AND RATES SCHEDULE

Resolution 2021
Updated 6/24/2021

Item # 1.

Next 30,000	\$16.50 per 1,000
Over 140,000	\$18.25 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

6.8 JSSD Water Impact Fee

JSSD Water Impact Fee (Parcel 1 - West side of SR 248)	\$7,028.00
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Section 7
Sewer Fees

7.1 JSSD Sewer Impact Fees

Bonded (Parcel 2 - East side of SR 248)	\$5,083.00
Unbonded (Parcel 1 - West side of SR 248)	\$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.

TOWN OF HIDEOUT
FEES AND RATES SCHEDULE

Resolution 2021
Updated 6/24/2021

Item # 1.

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
Woof	\$0	\$5,215	\$0	\$1,355	\$6,570

File Attachments for Item:

2. Discussion and consideration of an Ordinance amending Hideout Code Title 6. Chapter 8
Fireworks & Ignition Sources

ORDINANCE #2021- O - ____

ORDINANCE AMENDING

TITLE 6 CHAPTER 08 "FIREWORKS AND IGNITION SOURCES"

WHEREAS, the Town Council finds that it is in the public interest to address fireworks and other ignition sources due to environmental issues (weather conditions and dry fuel loads), topographical considerations (mountainous terrain, wildland interface, brush covered areas throughout the city), public safety concerns (people, structures, waterways, washes, and property), etc. in Hideout, Utah; and

WHEREAS, Utah Code §§ 53-7-225, 15A-5-202.5 authorize a municipality to restrict: the negligent discharge of fireworks, the discharge of fireworks in areas with hazardous environmental conditions, and the use of other ignition sources; and

WHEREAS, the Town of Hideout contains significant amounts of property containing hazardous environmental conditions.

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

SECTION I: Title 6 Chapter 08 "Fireworks and ignition sources" is amended as follows:

6.08 FIREWORKS & IGNITION SOURCES

...

6.08.030 SALES

1. Permit Required; Application:

1. No person shall offer for sale or sell, at retail, any fireworks without a permit countersigned by the fire chief. A separate permit shall be required for each separate sales location, and for each of the following time periods: June 20 through July 25, inclusive; December 20 through January 2, inclusive; and fifteen (15) days prior to and through the Chinese new year inclusive. The fee for each permit shall be as set forth in the consolidated fee schedule. Each permit shall remain in effect for the specified time period unless the permittee violates a provision of this chapter, in which event the permit may be revoked. Applications for a permit to sell fireworks shall be in writing on the "application for sales of fireworks" form and shall:
 1. Include the name and address of the person, firm or corporation applying for the permit;
 2. Describe the specific location where fireworks will be sold;
 3. Include evidence of commercial general liability insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate; and
 4. Include any other information reasonably required by the fire department.
2. All of the above required information, including fees, shall be submitted no less than fourteen (14) days prior to the specified time period. However, if the permit application is for a location for which a conditional use permit has not been issued or is no longer valid,

both permit applications shall be submitted no less than five (5) weeks prior to the desired time period for the sale of fireworks. The applicable and required fees shall accompany the permit application and be submitted at the time of application.

2. Sales Locations: Retail sales of fireworks shall be permitted within a permanent structure in connection with an applicable and properly issued business license which is in effect pursuant to provisions of HMC 4.02, or, from a temporary stand, or trailer or tent. Retail sales of fireworks shall be allowed only at locations within the commercial, manufacturing and industrial zoning districts. Sales both in permanent structures and in temporary stands, or trailers or tents, shall be subject to the following requirements:
 1. No sales of fireworks shall be permitted from stands, trailers or tents located within one hundred feet (100') of any other building, nor within one hundred feet (100') of any gasoline pump or dispensing device, or other combustibles. No sales of fireworks shall be permitted from permanent structures located within fifty feet (50') of any gasoline pump or dispensing device, or other combustibles.
 2. Fireworks stands, trailers or tents need not comply with the provisions of the international building code, however, all stands, trailers or tents shall be erected in a manner that will reasonably assure the safety of attendants and patrons.
 3. Each stand, trailer or tent shall not have in excess of four hundred fifty (450) square feet of floor space, and each stand, trailer or tent shall have not less than two (2) exits, each of which must be at least thirty six inches (36") in width.
 4. A sign prohibiting the discharge of any fireworks within one hundred feet (100') of the fireworks stand, trailer or tent shall be prominently displayed.
 5. All employees on duty at all times shall be at least eighteen (18) years of age or older. Fireworks shall be sold only as packaged units with displays to be arranged so as to prevent the touching or handling of nonpackaged fireworks.
 6. Displays of fireworks in permanent structures shall be within constant visual observation.
 7. Fireworks stands, trailers or tents shall be removed within seven (7) days after retail sales cease.
 8. Prior to the issuance of a permit, each applicant shall file with the town a cash deposit in an amount set forth in the consolidated fee schedule for each retail sales location to assure compliance with the provisions of this section, including, but not limited to, the removal of the stand, trailer or tent and the cleaning of the site. In the event the permittee does not comply with the provisions of this chapter or remove the stand, trailer or tent, or clean the site thereof, the town may remove the stand, trailer or tent and clean the site or cause the same to be done by other persons and the reasonable cost thereof shall be a charge against the permittee and shall be subtracted from the bond described above.
 9. No person shall be permitted to sleep in the fireworks stand or trailer overnight.
3. Except as provided above, it shall be unlawful for any person, firm or corporation to at any time own, possess, control, sell or offer to sell any fireworks other than as set forth in Utah Code § 53-7-222.

~~3.~~ . . .

06.80.50 Findings and Definitions for Fire and Ignition Restrictions

1. The council finds that certain areas exist in the town and that preservation of public health, safety and welfare requires the restriction of fireworks, smoking and other fires in such areas and certain surrounding areas as specified below, to reduce the risk of potentially devastating wildfires in the town.

2. As used in this chapter, the term "restricted areas" shall mean ravines, gullies, hillsides, vacant land, or mountainous areas where natural vegetation exists (including oak brush, conifers, sage brush, and other indigenous trees and plants), such that a distinct fire hazard is clearly evident to a reasonable person, and where that area is within the town.
3. Without limiting the foregoing, "restricted areas" shall also include those areas designated within the town as a fire hazard on an annual basis by the Wasatch County Fire District on maps conveyed to and approved by the council in an open meeting and posted and made available on the town's website and in the offices of the town clerk.

6.08.060 Fire and Ignition Source Restrictions and Exemptions

A. The following restrictions on open flames and smoking are imposed on, over and within 300 feet of all Restricted Areas:

1. Setting, building, maintaining, attending or using open flames of any kind is prohibited, except campfires built within the facilities provided for them in improved campgrounds, picnic areas or permanently improved places of habitation; and
2. Smoking is prohibited, except within an enclosed vehicle or building, a developed recreation site or while stopped in the center of an area of at least ten feet in diameter that is barren or cleared to mineral soil or is covered by concrete or asphalt.

B. The following restrictions on fireworks, tracer ammunition or other pyrotechnic devices are imposed:

1. Discharging or using any kind of aerial device firework, tracer ammunition or other pyrotechnic devices on, over or within three hundred feet of any Restricted Area is prohibited; and
2. Discharging or using any kind of class C common state-approved explosives on, over or within 300 feet of any restricted area is prohibited.

C. The following definitions are applicable to this section:

1. "Class C common state-approved explosives" is as defined in section 53-7-202(5), Utah Code Annotated, as amended.
2. "Aerial device firework" is as defined in sections R710-2-3 of the Utah Administrative Rules, as amended.

D. Exemptions. The following persons are exempt from the prohibitions in 5-3C-7 Fire Restrictions:

1. Persons with a permit from the town, from the state of Utah or the United States of America, specifically authorizing the prohibited act at the specific location; and
2. Any town, state or federal forestry or firefighting officer or firefighting forces, including the Wasatch County Fire District, or any peace officer, in the performance of an official duty.

6.08.050 PROHIBITED ACTS AND ACTIVITIES

- ~~1. It shall be unlawful to discharge fireworks:

 - ~~1. Within one hundred feet (100') of any place where fireworks are sold or offered for sale;~~
 - ~~2. Within three hundred feet (300') of any church, hospital, rest home, retirement center, school building or similar institution;~~
 - ~~3. In such a manner that the fireworks project over or onto the property of another person without the consent of the person owning or controlling such property; or~~
 - ~~4. In any public park.~~~~
- ~~2. It shall be unlawful to ignite, discharge or throw any fireworks from or into any motor vehicle, or at or near any person.~~
- ~~3. It shall be unlawful to make, sell, or offer to sell or to discharge any type of homemade fireworks.~~
- ~~4. It shall be unlawful to sell or to offer to sell fireworks:

 - ~~1. Without a permit;~~
 - ~~2. In violation of any requirement of this chapter or any regulations adopted by the Utah fire prevention board;~~
 - ~~3. At a location not specified in the permit application;~~
 - ~~4. Without the insurance coverage required in the permit application; or~~
 - ~~5. In violation of HMC 6.08.030 Paragraph B.~~~~
- ~~5. The use of ignition sources including but not limited to open fires, solid fuel fire pits, lighters, matches, sky lanterns, open barbeques, and smoking materials is prohibited under the following circumstances:

 - ~~1. When the fire code official of Hideout determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition sources.~~
 - ~~2. In areas designated by the Council as containing hazardous environmental conditions.~~
 - ~~3. When the use of open fires, fire pits, lighters, matches, sky lanterns, barbeques, smoking materials, or other ignition source that produces embers and/or is negligent.~~~~
- ~~6. Except as provided in HMC 6.08.010, it shall be unlawful for any person, firm or corporation to at any time own, possess, control, sell or offer to sell any fireworks other than as set forth in Utah Code § 53-7-222.~~

6.08.060 AUTHORITY OF TOWN TO PROHIBIT IGNITION SOURCES

~~The town council, during times of adverse fire conditions, may review information regarding meteorological conditions, moisture content of plants and soil, and other information related thereto, and may at its discretion prohibit the use of all ignition sources in the protection of the health, safety and welfare of the public. Such a prohibition shall be for a defined period of time and may be limited to identified areas of the town, or may be applicable throughout the town.~~

- ~~1. As used in this chapter, hazardous environmental conditions include:

 - ~~1. Mountainous, brush covered, forest covered, or dry grass covered areas;~~
 - ~~2. Areas within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas;~~
 - ~~3. The wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose; or~~
 - ~~4. A limited area outside the hazardous areas described in this Paragraph A, to facilitate a readily identifiable closed area, in accordance with Paragraph B.~~~~
- ~~2. For any area restricted due to hazardous environmental conditions, the Town shall:

 - ~~1. Designate the closed area along readily identifiable features like major roadways, waterways, or geographic features;~~~~

- ~~2. Ensure that the boundary of the designated closed area is as close as is practical to the defined hazardous area, provided that the closed area may include areas outside of the hazardous area to facilitate a readily identifiable line; and~~
- ~~3.1. Identify the closed area through a written description or map that is readily available to the public.~~

6.08.080 Penalty

Each violation of this section shall be an B misdemeanor.

Section III: Effective Date. For the protection and preservation of public health and safety, this Ordinance shall take effect immediately upon its passage. The Town Clerk is hereby directed to publish and/or post this Ordinance forthwith.

PASSED AND APPROVED by the Town of Hideout Town Council, Utah, this _____ day of _____ in the year 2021.

TOWN OF HIDEOUT

Phil Rubin, Mayor

ATTEST:

Alicia Fairbourne, Town Clerk

File Attachments for Item:

3. Discussion and consideration of an Ordinance providing for municipal restriction of fireworks and ignition sources within all portions of the town of Hideout and adoption of a map of the restricted area



SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

BRIAN C. STEED
Executive Director

Division of Forestry, Fire and State Lands

JAMIE BARNES
Interim Director

ORDER # NECLO2106

Fire Restriction Order (Stage 2)

Due to current and forecasted weather conditions coupled with the extremely dry vegetation conditions in Wasatch County, the State Forester, in consultation with the county commission, has determined that measures must be taken to prevent the ignition of forest and rangeland fires. Therefore, pursuant to Utah State Law, Section 65A-8-212, the following acts are prohibited in the areas described below until rescinded by the Utah State Forester:

1. Building, maintaining, attending or using any fire, campfire, or stove fire*. This includes charcoal grills and barbecues, coal and wood burning stoves and tent stoves and includes use at homes and in developed camping and picnic grounds.
2. Smoking, except within an enclosed vehicle, trailer or building, a developed recreation site or while stopped in an area that is paved or free from dry vegetation.
3. Discharging or using any fireworks, tracer ammunition or other pyrotechnic devices including exploding targets.
4. Cutting, welding or grinding metal in areas of dry vegetation.
5. Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor.

Area Description: All unincorporated private and all state lands within Wasatch County.

The following persons are exempted from the above prohibitions:

1. *Devices using pellets, pressurized liquid or gas (stoves, grills or lanterns) that include shut-off valves are permitted when used in an area at least three feet or more from flammable material such as grasses or pine needles.
2. Persons with a permit or waiver issued by the Division, specifically authorizing a specified act at a specific location. A waiver does not relieve the permittee of liability if a fire does occur.
3. Any on-duty firefighter in the performance of an official duty.

Any of the above acts is a violation of state law and is punishable by up to 6 months in jail and a fine of up to \$1,000. These restrictions will be enforced by county law enforcement.

Effective Date: 12:01 p.m., 16th day of June, 2021

Brett Ostler

Brett Ostler (Date To: 2021-11-19 00:00)

Brett Ostler, State Fire Management Officer

Jamie Barnes

Jamie Barnes (Date To: 2021-11-19 00:00)

Jamie Barnes, Interim Director

Gerry Gray

Gerry Gray (Date To: 2021-11-19 00:00)

Gerry Gray, Acting State Forester

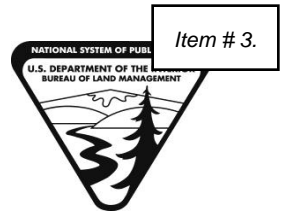




United States Department of the Interior

BUREAU OF LAND MANAGEMENT

West Desert District Office
2370 South Decker Lake Blvd.
West Valley City, Utah 84119
<https://www.blm.gov/utah>



In Reply Refer To:
9212 (UTW002)

FIRE PREVENTION ORDER ORDER NUMBER UTW002-2021-02

Under authority of the Federal Land Policy and Management Act of 1976 (Title 43, United States Code, Section 1701, et. seq.) and pursuant to Title 43, Code of Federal Regulations (CFR) § 9212.2(a), the following restrictions are in effect for lands managed by the Bureau of Land Management (BLM), West Desert District – Salt Lake Field Office within the counties of Cache, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, and Weber. (See Attached Map)

It is the policy of the BLM to take all necessary actions to protect human life, the public lands, and the resources and improvements thereon through the prevention of wildfires. Wherever possible, the BLM's actions will complement and support State and local wildfire prevention actions. 43 U.S.C. § 9212.0-6. The BLM – West Desert District is increasing restrictions to include the following prohibited acts (This order incorporates Fire Prevention Orders already in place).

Under Title 43 CFR § 9212.1, Prohibited Acts: Unless permitted in writing by the Authorized Officer, it is prohibited to perform any act restricted by this Fire Prevention Order on the above described public lands.

Prohibited Acts (until rescinded):

1. Use of any steel core, jacketed, and tipped ammunition of any caliber.
2. Campfires except within agency provided fire grates at developed campgrounds, or within fully enclosed stoves, grills, or in stoves using pressurized liquid or gas.
3. Smoking cigarettes, except within an enclosed vehicle, building, developed recreation site or while stopped in a cleared area of at least three feet in diameter that is barren and cleared of all flammable material.
4. Grinding, cutting, and welding of metal.
5. Operating a chainsaw, or other internal combustion engine without a properly installed USDA or Society of Automotive Engineers (SAE) approved spark arresting device, a five-pound fire extinguisher and a shovel.
6. Use of any tracer or incendiary ammunition of any caliber.
7. Possession or use of any kind of explosives, incendiary or chemical devices, pyrotechnics or fireworks, or exploding targets.
8. Use of any Sky Lanterns, Chinese Lanterns, Fire Balloons, Acetylene Balloons or similar device.
9. Use of any Off Road Vehicle (ORV) that is **not** equipped with a properly installed and maintained spark arrestor. Spark arresters shall meet the 80 percent efficiency level standard when determined by the appropriate SAE recommended practices J335 and J350. (Title 43 CFR § 8343.1).

Permissible Acts:

1. Devices fuels by petroleum or liquid petroleum gas in all locations.
2. Campfire in permanent constructed cement or metal fire pits provided in agency developed campgrounds and picnic areas.

Exemptions (Pursuant to Title 43 CFR § 9212.2), the following persons are exempt from this order:

1. All exemptions to the restriction are obtained through local permits issued by the authorized office for activities that will not conflict with the purpose of the order (Title 43 CFR § 9212.3).
2. Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
3. The general public using "Class C common state approved" fireworks on July 4 along the access road to the Bonneville Salt Flats Special Recreation Management Area. "Class C common state approved" fireworks are fireworks that are purchased at a retail store in the State of Utah for use by a consumer in Utah.

Penalties:

Pursuant to Title 43 § 9212.0-5, 9212.1 and 9212.4, any person who knowingly and willfully violates the regulations at § 9212.1 of this title shall, upon conviction, be subject to a fine of not more than \$1,000 or to imprisonment of not more than twelve (12) months, or both. Restitution for total fire suppression or damage costs incurred will be borne by the violator.

This order shall go into effect at 00:01 on June 18, 2021 and will remain in force until rescinded.

Digitally signed by MICHAEL
GATES
Date: 2021.06.16 14:21:11
-06'00'

Michael Gates
District Manager, West Desert District Office
USDI Bureau of Land Management

ORDINANCE #2021– O – ____

ORDINANCE PROVIDING FOR MUNICIPAL RESTRICTION OF FIREWORKS AND
IGNITION SOURCES WITHIN ALL PORTIONS OF THE TOWN OF HIDEOUT

WHEREAS, Utah Code §53-7-225, prohibits the discharge of Class C common state approved explosives (fireworks) except around certain holidays, including beginning on July 2 and ending on July 5, and beginning on July 22 and ending on July 25;

WHEREAS, the fire official for the Town of Hideout (“Hideout”) has found that existing hazardous environmental conditions exist within the entire town. (see *Letter From Fire Marshal* dated June 23, 2021, attached as Exhibit A);

WHEREAS, most of Wasatch Fire District is in Stage 2 Fire Restrictions due to prolonged drought coupled with elevated temperatures.

WHEREAS, the Town Council (“Council”) finds that Hideout, throughout all areas, contains innumerable mountainous, brush-covered, forest covered, and dry grass-covered areas which historically and existing today are in an extremely flammable condition;

WHEREAS, if existing or historical hazardous environmental conditions exist within the boundaries of Hideout, Utah Code §15A-5-202.5 allows the Council to prohibit the ignition and use of fireworks while these conditions exist in the following areas: (1) mountainous, brush-covered, forest covered, or dry grass-covered areas; (2) within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas; (3) wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose; or (4) a limited area outside the hazardous areas;

WHEREAS, the Council finds that the entire Town of Hideout consists of the above listed hazardous areas and a map of Hideout is attached hereto as Exhibit B;

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

SECTION I: Pursuant to the provisions of Utah Code Ann. 15A-5-202.5, and based on the findings as noted above, the use of Class C fireworks is hereby restricted in all areas of the Town of Hideout as shown in the attached map in Exhibit B.

SECTION II: Due to the extreme drought conditions, the following are prohibited until November 15, 2021, unless earlier terminated by action of the Council.

1. No cutting, welding or grinding metal in areas of dry vegetation unless the areas where the work is being done is thoroughly wetted down and the areas are kept wet throughout the process.
2. No operating a motorcycle, chainsaw, ATV, other small internal combustion engine without an approved and working spark arrestor.
3. Building, maintaining, attending, or using any fire, campfire, or stove fire. This includes charcoal grills and barbecues, coal and wood burning stoves and tent stoves and includes use at homes and in developed camping and picnic grounds. Devices using pellets, pressurized liquid or gas (stoves, grills or lanterns) that include shutoff valves are permitted when used in an area at least three feet or more from flammable material such as grasses or pine needles.

Section III: Penalty. Violation of this Ordinance is a Class B misdemeanor and punishable by up to a \$1,000 fine and/or up to 6 months in Jail.

Section IV: Effective Date. For the protection and preservation of public health and safety, this Ordinance shall take effect immediately upon its passage. The Town Clerk is hereby directed to publish and/or post this Ordinance forthwith.

PASSED AND APPROVED by the Town of Hideout Town Council, Utah, this _____ day of _____ in the year 2021.

TOWN OF HIDEOUT

Phil Rubin, Mayor

ATTEST:

Alicia Fairbourne, Town Clerk

Exhibit A: Letter From Fire Marshal dated June 23, 2021.

Exhibit B: Map of Existing Hazardous Conditions in the Town of Hideout. (Entire Town)

WASATCH FIRE DISTRICT

FULL FIRE RESTRICTIONS

Town of Hideout,

June 23, 2021

The current conditions present very hazardous fire potential during this season. This is particularly true for Hideout Town as the entire town is located within a wildland interface area or the type of area described in Utah Code §15A-5-202.5(1)(b)(1).

With the legal date of discharge of fireworks approaching, Wasatch Fire reiterates the hazardous situation we find ourselves in with the prolonged drought coupled with the elevated temperatures. Wasatch Fire, in light of the conditions that exist, and the need to mitigate potential catastrophic fires has implemented a **FULL FIRE RESTRICTION** throughout Wasatch County and included municipalities. These restrictions include all restrictions imposed by the **State of Utah under the Stage 2 Fire Restrictions**.

The penalty and sanction for any violation of this Resolution may carry a class B misdemeanor charge, with a fine of up to \$1,000.00 per incident, plus surcharge and restitution, and six months in jail.

RESTRICTED ACTIVITIES NO ALLOWABLE AREAS FOR 2021

- 1. Building, maintaining, attending, or using any fire, campfire, or stove fire*.** This includes charcoal grills and barbecues, coal and wood burning stoves and tent stoves and includes use at homes and in developed camping and picnic grounds.
 - 2. Smoking, except within an enclosed vehicle, trailer or building, a developed recreation site or while stopped in an area that is paved or free from dry vegetation.**
 - 3. Discharging or using any fireworks, tracer ammunition or other pyrotechnic devices including exploding targets.**
 - 4. Cutting, welding, or grinding metal in areas of dry vegetation.**
- Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor.**

*Devices using pellets, pressurized liquid or gas (stoves, grills or lanterns) that include shutoff valves are permitted when used in an area at least three feet or more from flammable material such as grasses or pine needles.

Please feel free to contact our office should you have any questions.

Wasatch Fire District

Wasatch Fire District
10420 N Jordanelle Blvd
435-940-9636

ORDINANCE #2021– O –10

ORDINANCE PROVIDING FOR MUNICIPAL RESTRICTION OF FIREWORKS AND
IGNITION SOURCES WITHIN ALL PORTIONS OF THE TOWN OF HIDEOUT

WHEREAS, Utah Code §53-7-225, prohibits the discharge of Class C common state approved explosives (fireworks) except around certain holidays, including beginning on July 2 and ending on July 5, and beginning on July 22 and ending on July 25;

WHEREAS, the fire official for the Town of Hideout (“Hideout”) has found that existing hazardous environmental conditions exist within the entire town. (see *Letter From Fire Marshal* dated June 23, 2021, attached as Exhibit A);

WHEREAS, most of Wasatch Fire District is in Stage 2 Fire Restrictions due to prolonged drought coupled with elevated temperatures.

WHEREAS, the Town Council (“Council”) finds that Hideout, throughout all areas, contains innumerable mountainous, brush-covered, forest covered, and dry grass-covered areas which historically and existing today are in an extremely flammable condition;

WHEREAS, if existing or historical hazardous environmental conditions exist within the boundaries of Hideout, Utah Code §15A-5-202.5 allows the Council to prohibit the ignition and use of fireworks while these conditions exist in the following areas: (1) mountainous, brush-covered, forest covered, or dry grass-covered areas; (2) within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas; (3) wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose; or (4) a limited area outside the hazardous areas;

WHEREAS, the Council finds that the entire Town of Hideout consists of the above listed hazardous areas and a map of Hideout is attached hereto as Exhibit B;

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

SECTION I: Pursuant to the provisions of Utah Code Ann. 15A-5-202.5, and based on the findings as noted above, the use of Class C fireworks is hereby restricted in all areas of the Town of Hideout as shown in the attached map in Exhibit B.

SECTION II: Due to the extreme drought conditions, the following are prohibited until November 15, 2021, unless earlier terminated by action of the Council.

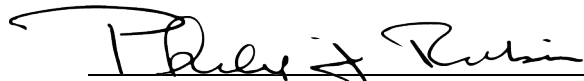
1. No cutting, welding or grinding metal in areas of dry vegetation unless the areas where the work is being done is thoroughly wetted down and the areas are kept wet throughout the process.
2. No operating a motorcycle, chainsaw, ATV, other small internal combustion engine without an approved and working spark arrestor.
3. Building, maintaining, attending, or using any fire, campfire, or stove fire. This includes charcoal grills and barbecues, coal and wood burning stoves and tent stoves and includes use at homes and in developed camping and picnic grounds. Devices using pellets, pressurized liquid or gas (stoves, grills or lanterns) that include shutoff valves are permitted when used in an area at least three feet or more from flammable material such as grasses or pine needles.

Section III: Penalty. Violation of this Ordinance is a Class B misdemeanor and punishable by up to a \$1,000 fine and/or up to 6 months in Jail.

Section IV: Effective Date. For the protection and preservation of public health and safety, this Ordinance shall take effect immediately upon its passage. The Town Clerk is hereby directed to publish and/or post this Ordinance forthwith.

PASSED AND APPROVED by the Town of Hideout Town Council, Utah, this 24th day of June in the year 2021.

TOWN OF HIDEOUT


 Phil Rubin, Mayor

ATTEST:

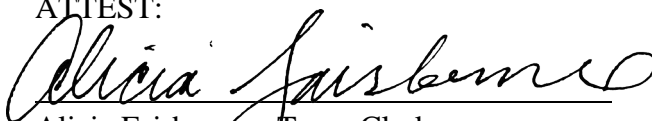

 Alicia Fairbourne, Town Clerk



Exhibit A: Letter From Fire Marshal dated June 23, 2021.

Exhibit B: Map of Existing Hazardous Conditions in the Town of Hideout. (Entire Town)

WASATCH FIRE DISTRICT

FULL FIRE RESTRICTIONS

Town of Hideout,

June 23, 2021

The current conditions present very hazardous fire potential during this season. This is particularly true for Hideout Town as the entire town is located within a wildland interface area or the type of area described in Utah Code §15A-5-202.5(1)(b)(1).

With the legal date of discharge of fireworks approaching, Wasatch Fire reiterates the hazardous situation we find ourselves in with the prolonged drought coupled with the elevated temperatures. Wasatch Fire, in light of the conditions that exist, and the need to mitigate potential catastrophic fires has implemented a **FULL FIRE RESTRICTION** throughout Wasatch County and included municipalities. These restrictions include all restrictions imposed by the **State of Utah under the Stage 2 Fire Restrictions**.

The penalty and sanction for any violation of this Resolution may carry a class B misdemeanor charge, with a fine of up to \$1,000.00 per incident, plus surcharge and restitution, and six months in jail.

RESTRICTED ACTIVITIES NO ALLOWABLE AREAS FOR 2021

- 1. Building, maintaining, attending, or using any fire, campfire, or stove fire*.** This includes charcoal grills and barbecues, coal and wood burning stoves and tent stoves and includes use at homes and in developed camping and picnic grounds.
 - 2. Smoking, except within an enclosed vehicle, trailer or building, a developed recreation site or while stopped in an area that is paved or free from dry vegetation.**
 - 3. Discharging or using any fireworks, tracer ammunition or other pyrotechnic devices including exploding targets.**
 - 4. Cutting, welding, or grinding metal in areas of dry vegetation.**
- Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor.**

*Devices using pellets, pressurized liquid or gas (stoves, grills or lanterns) that include shutoff valves are permitted when used in an area at least three feet or more from flammable material such as grasses or pine needles.

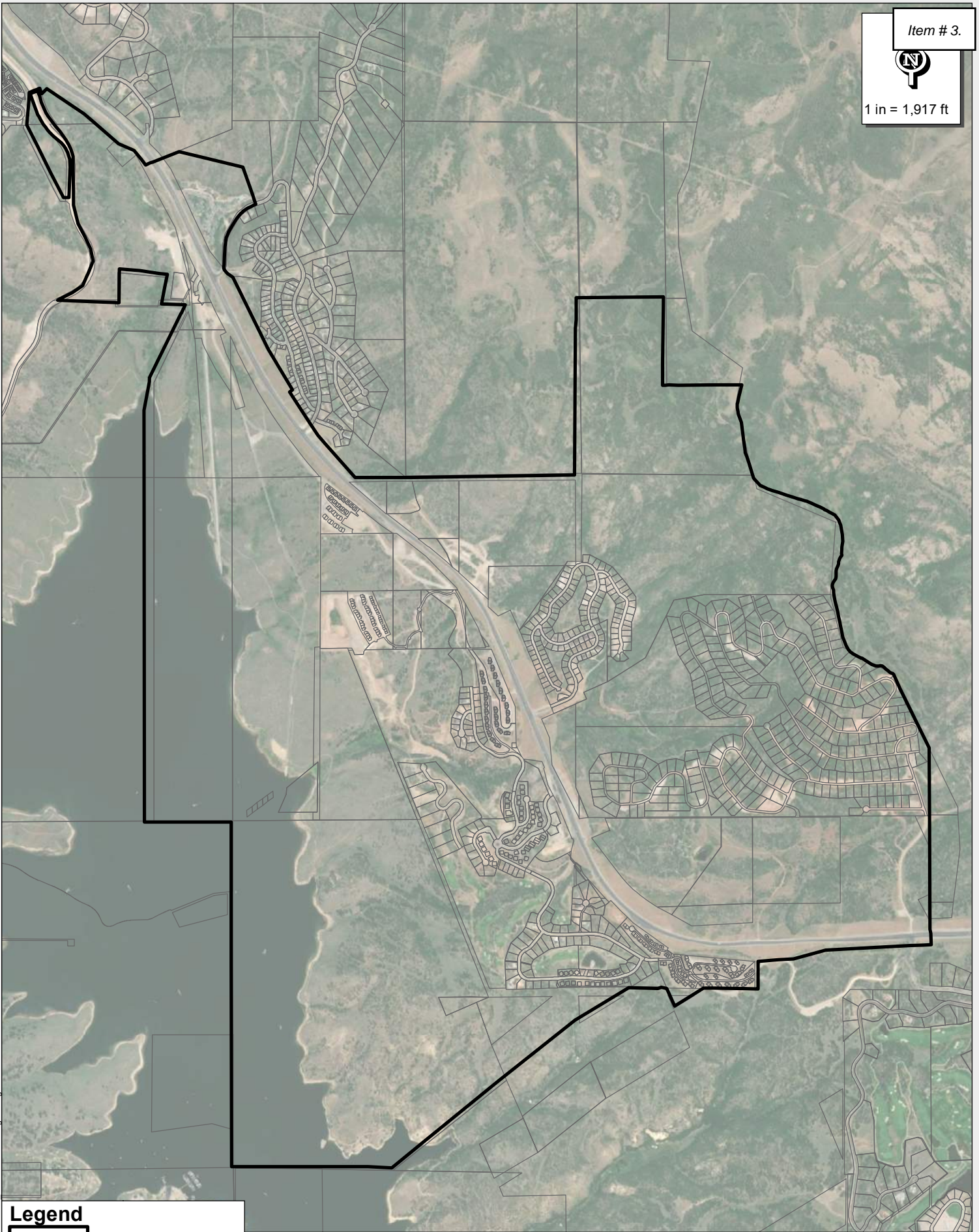
Please feel free to contact our office should you have any questions.

Wasatch Fire District

Wasatch Fire District
10420 N Jordanelle Blvd
435-940-9636



1 in = 1,917 ft



Legend



Town Boundary

Parcels

