



HIDEOUT, UTAH PLANNING COMMISSION

REGULAR MEETING AND PUBLIC HEARINGS

October 17, 2024

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Hideout, Utah will hold its Regular Meeting and Public Hearing electronically and in-person at Hideout Town Hall, located at 10860 N. Hideout Trail, Hideout Utah, for the purposes and at the times as described below on Thursday, October 17, 2024.

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

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

Regular Meeting and Public Hearings 6:00 PM

- I. Call to Order
- II. Roll Call
- III. Approval of Meeting Minutes
 1. [September 19, 2024 Planning Commission Minutes DRAFT](#)
- IV. Public Hearings
 1. [Discussion and possible recommendation to the Hideout Town Council of an Ordinance regarding updates related to subdivision procedures pursuant to Senate Bill 174 \(2023\) and House Bill 476 \(2024\), including technical corrections, and amendments to Hideout Municipal Code Titles 3, 8, 9, 10, 11, 12, and 13.](#)
 2. [Consideration and possible recommendation to the Hideout Town Council regarding a proposed lot combination in the Soaring Hawk Subdivision, lots 65 and 66, located at 11476 N White Tail Ct and 1081 E Black Hawk Way \(parcel ID # 00-0021-1018 and 00-0021-2017\)](#)
- V. Continued Public Hearings (*from September 19, 2024 meeting*)
 1. Discussion regarding an amendment of the Official Town of Hideout Zoning Map to rezone parcel 00-0020-8164 (Wildhorse Development) from Mountain (M) zone to Neighborhood Mixed Use (NMU). This development is located on the northern side of SR-248, between the Woolf property and the Klaim Subdivision. ***This item is postponed to a date certain of November 21, 2024 and will not be discussed at this meeting.***
 2. Discussion and possible recommendation to Town Council regarding a final Subdivision approval for the Shoreline Phase 4 subdivision. ***This item is postponed to a date certain of November 21, 2024 meeting and will not be discussed during this meeting.***
- VI. 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.

File Attachments for Item:

1. September 19, 2024 Planning Commission Minutes DRAFT

1 **Minutes**
2 **Town of Hideout Planning Commission**
3 **Regular Meeting and Public Hearing**
4 **September 19, 2024**
5 **6:00 PM**
6
7

8 The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public
9 Hearing on September 19, 2024 at 6:00 PM in person and electronically via Zoom meeting.
10

11 **Regular Meeting and Public Hearing**

12 **I. Call to Order**

13 Chair Tony Matyszczyk called the meeting to order at 6:03 PM and reminded participants that this
14 was a hybrid meeting held both electronically and in-person.

15 **II. Roll Call**

16 **Present:** Chair Tony Matyszczyk
17 Commissioner Rachel Cooper
18 Commissioner Glynnis Tihansky
19

20
21 **Attending Remotely:** Commissioner Joel Pieper
22 Commissioner Peter Ginsberg (alternate)
23 Commissioner Chase Winder (alternate, arrived at 6:07 PM)
24

25 **Excused:** Commissioner Donna Turner
26

27
28 **Staff Present:** Alicia Fairbourne, Recorder for Hideout
29 Kathleen Hopkins, Deputy Recorder for Hideout
30

31 **Staff Attending Remotely:** Cameron Platt, Town Attorney
32 Thomas Eddington, Town Planner
33

34 **Public Present:** Tyler Frisby, Bill Woolf, Rich Denness, Christin Keebler, Linda Muhlhauser-
35 Johnson, Julie Staub, Alycia Skousen, Jason Bibb, Christina Reed.

36 **Public Attending Remotely:** Tim Schoen, Richard Otto, Jerry Crylen, Kurt Basford, Mary
37 Freeman, Sally Grant, Robert Green, Thomas Longhi, Diane Shane, Andrea Spaulding, and others who
38 may not have signed in using proper names in Zoom.

39 **III. Approval of Meeting Minutes**

40 **1. August 15, 2024 Planning Commission Minutes DRAFT**

41 There were no comments on the August 15, 2024 draft minutes.

1 *Motion: Commissioner Ginsberg moved to approve the August 15, 2024 Planning Commission*
2 *Minutes. Commissioner Cooper made the second. Voting Yes: Commissioner Cooper,*
3 *Commissioner Ginsberg and Commissioner Pieper. Voting No: None. Abstaining from*
4 *Voting: Chair Matyszczuk and Commissioner Tihansky. Absent from Voting: Commissioner*
5 *Turner. The motion carried.*

6 **2. September 4, 2024 Planning Commission Minutes DRAFT**

7 There were no comments on the September 4, 2024 draft minutes.

8 *Motion: Commissioner Tihansky moved to approve the September 4, 2024 Planning*
9 *Commission Minutes. Commissioner Cooper made the second. Voting Yes: Commissioner*
10 *Cooper, Chair Matyszczuk, Commissioner Pieper and Commissioner Tihansky. Voting No:*
11 *None. Abstaining from Voting: Commissioner Ginsberg. Absent from Voting: Commissioner*
12 *Turner. The motion carried.*

13 **IV. Agenda Items**

14 **1. Discussion of potential dates for an October 2024 Planning Commission meeting.**

15 After a lengthy discussion of potential dates for the Regular or a Special meeting in October, it
16 was determined the only available date was October 17, 2024.

17 Chair Matyszczuk adjusted the order of the agenda items from that in the published agenda. He
18 also announced that future Planning Commission meetings would be limited to two and a half
19 hours.

20 **V. Public Hearings**

21 **1. Discussion and possible recommendation to Town Council regarding a final Subdivision**
22 **approval for the Shoreline Phase 4 subdivision.**

23 The posted agenda noted this item had been postponed to a future date as determined at this
24 meeting, which was determined to be October 17, 2024 at 6:00 PM.

25 Chair Matyszczuk opened the floor for public comments at 6:19 PM. There were no public
26 comments, and the public hearing was closed at 6:20 PM.

27 *Motion: Commissioner Tihansky moved to continue the discussion and possible*
28 *recommendation to Town Council regarding a final subdivision approval for the Shoreline*
29 *Phase 4 subdivision to a date certain of October 17, 2024 at 6:00 PM. Commissioner Cooper*
30 *made the second. Voting Yes: Commissioner Cooper, Chair Matyszczuk, Commissioner Pieper*
31 *and Commissioner Tihansky. Voting No: None. Abstaining from Voting: none. Absent from*
32 *Voting: Commissioner Turner. The motion carried.*

33 **2. Discussion regarding an amendment of the Official Town of Hideout Zoning Map to rezone**
34 **parcel 00-0020-8164 (Wildhorse Development) from Mountain (M) zone to Neighborhood**
35 **Mixed Use (NMU). This development is located on the northern side of SR-248, between the**
36 **Woolf property and the Klaim Subdivision.**

37 The posted agenda noted this item would only be discussed at this meeting, with no action to be
38 taken.

1 Chair Matyszczyk asked for a motion to open the floor for public comment at 6:26 PM.

2 *Motion: Commissioner Ginsberg moved to open public comment at 6:26 PM. Commissioner*
3 *Pieper made the second. Voting Yes: Commissioner Cooper, Commissioner Ginsberg, Chair*
4 *Matyszczyk, Commissioner Pieper and Commissioner Tihansky. Voting No: None. Abstaining*
5 *from Voting: none. Absent from Voting: Commissioner Turner. The motion carried.*

6 Mr. William Woolf, property owner of the adjoining property near SR-248 asked what the process
7 was to protest this project and asked for more information so he could better understand the
8 project. Mr. Thomas Eddington, Town Planner stated there would be more information regarding
9 the proposed zoning change from Mountain to Neighborhood Mixed Use (NMU) later in the
10 meeting.

11 There being no further public comments, the Public Hearing was closed at 6:32 PM.

12 *Motion: Commissioner Tihansky moved to continue the Public Hearing portion of this matter*
13 *to the October 17, 2024 6:00 PM Planning Commission meeting. Commissioner Cooper made*
14 *the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper and*
15 *Commissioner Tihansky. Voting No: None. Abstaining from Voting: None. Absent from*
16 *Voting: Commissioner Turner. The motion carried.*

17 **Agenda Items (continued)**

18 **2. Discussion of a concept plan for a potential development Hideout Point (parcel 00-0021-3176).**

19 Mr. Eddington reviewed the project, and noted the Applicant, Mr. Ty Frisby was in attendance.
20 Mr. Eddington reminded the Planning Commissioners the initial concept plan had been presented
21 in April of 2023, and he referenced the Staff Report which had been included in the meeting
22 materials distributed prior to the meeting. The property was currently zoned Mountain, which
23 allowed for one unit per acre. The updated concept plan included several cabins and commercial
24 development which would require a zoning change if the project were to move forward. Mr.
25 Eddington highlighted changes in the updated concept plan which reflected less density than
26 originally proposed, although the warehouse structure remained in the plan. Mr. Eddington also
27 noted this property was adjacent to the Town-owned ten-acre parcel that was also planned for
28 development as a community center and stressed the importance of these two development
29 projects being complimentary.

30 Mr. Eddington discussed the proposal for Nightly Rentals would be a Conditional Use which the
31 Planning Commission and Town Council would need to consider.

32 Mr. Frisby discussed the concept plan in more detail. The plan included six store front commercial
33 units to be located on Belaview Way which could include a coffee/ice cream shop, yoga/fitness
34 studio and retail businesses. He noted these commercial units would also include second story loft
35 space for tenant residences or storage. There were now four cabins proposed for family-oriented
36 nightly rentals, and the barn structure was located in the back of the property and would house an
37 excursion type of business with drive though access for loading boats or other equipment. Mr.
38 Frisby noted the proposed density had been reduced since the initial concept plan, and the building
39 area for the project would be less than the maximum building allowed under Mountain zoning.

1 Mr. Frisby stated the construction would be located on the flatter sections of the property, so the
2 steep slopes would not be an issue. In response to a question from Commissioner Joel Pieper, Mr.
3 Frisby stated the six commercial units would be a total of three stories including a walk out
4 basement space at grade. Mr. Frisby also stated the proposed project would not negatively impact
5 the views of existing neighbors on Belaview Way, parking would be below the existing street
6 level, and the barn structure would be lower than the parking area.

7 In response to a question from Chair Matyszczyk, Mr. Frisby stated the cabin locations would be
8 staggered and perhaps angled to maximize views. Mr. Eddington noted the exact locations for
9 these cabins would be adjusted based on the final contour drawings. Mr. Frisby stated the cabins
10 would be approximately 1,500 square feet each. In response to a question from Commissioner
11 Glynnis Tihansky regarding whether the development might include space for a restaurant, Mr.
12 Frisby noted such a plan was being considered for the nearby Town-owned parcel.

13 Commissioner Peter Ginsberg shared his concerns with commercial development being located in
14 the middle of an existing residential community. In response to a question from Commissioner
15 Tihansky regarding whether the retail units could be combined into larger spaces, Mr. Frisby stated
16 there could be openings between units, however the expectation was for separate owners of each
17 commercial unit.

18 Mr. Frisby answered several questions regarding the expected use of the barn unit and indicated
19 it could be an ideal location for a recreational outfitter of some sort but would not be utilized as a
20 repair facility. Commissioner Pieper stated the move of the parking lot behind the retail space was
21 an improvement over the original plan; Chair Matyszczyk stated he liked the proposed changes
22 but would like to see more detailed drawings at the next presentation.

23 In response to a question from Commissioner Tihansky, Mr. Eddington explained if the project
24 were to move forward, under the proposed NMU zoning, conditional approvals would be required
25 for inclusion of the cabins in the development and the ability to offer short-term rentals. Regarding
26 the expected ownership of the cabins, Mr. Frisby stated he expected to retain some ownership but
27 would like to make them available for nightly rentals under a condominium type of ownership
28 structure.

29 There being no further questions from the Planning Commissioners, Mr. Frisby was excused and
30 departed the meeting.

31 **Public Hearings (continued)**

32 **2. (continued from previous discussion) Discussion regarding an amendment of the Official**
33 **Town of Hideout Zoning Map to rezone parcel 00-0020-8164 (Wildhorse Development) from**
34 **Mountain (M) zone to Neighborhood Mixed Use (NMU). This development is located on the**
35 **northern side of SR-248, between the Woolf property and the Klaim Subdivision.**

36 Mr. Eddington provided an overview of the updated plan for this project which was last discussed
37 at the June 2024 Planning Commission meeting. He noted a new architectural design which had a
38 more modern look. Mr. Tim Schoen, Applicant, stated the team had revised the plan from mixed
39 use with residential and commercial in this location to focus exclusively on commercial. Mr.
40 Schoen introduced Mr. Kurt Basford with the architecture firm Stantec who was brought on to
41 redesign the commercial/retail area, as well as Messrs. Jerry Crylen and Richard Otto who would
42 continue to work on the planning and zoning work for the overall project including the future
43 residential phase.

1 The Applicant’s team discussed the updated plan and noted the scale of the building design was
2 similar to the original design, with the height being within seven feet of the first design. They
3 discussed plans to expand and improve the existing Gray Woolf Road, plans for future parking
4 and negotiations for use of a small Town-owned parcel for additional parking and access. Mr.
5 Crylen stated he would meet with Mr. Woolf, owner of the adjacent property, to review the plans
6 in more detail.

7 Mr. Crylen stated the Applicant would like to break ground in the spring of 2025 if approvals were
8 received in the next 30 to 60 days. The plan would be to build the roads for both the proposed
9 commercial phase and the future residential phase in the first twelve months of the project, with
10 the construction of the commercial phase to commence within two to three months of the road
11 work being started. This plan could lead to completion of the commercial phase in the first half of
12 2026.

13 In response to a question from Commissioner Rachel Cooper, Mr. Crylen stated the size of the
14 planned restaurant was to be determined and there was not a confirmed tenant yet. Each floor of
15 the proposed retail space was proposed for 6,000 square feet.

16 Chair Matyszczyk shared his concerns with the proposed design which appeared somewhat boxy,
17 and asked for confirmation that the building would not obstruct views from adjacent neighbors.
18 Commissioner Tihansky added the original design was sleeker and seemed to capture the
19 mountain aesthetic of the area.

20 Mr. Eddington discussed some of the zoning issues and noted the proposed density under NMU
21 zoning was below the maximum allowed. He stated the pitch and heights of the roofs would need
22 to be worked through as the proposal was for a building height which exceeded the 45-foot
23 maximum under existing town code for the NMU zoning designation. He also noted the Fire
24 District review was underway, and discussions regarding the use of the Town-owned parcel and
25 potential variances for retaining walls were also under discussion with Town staff.

26 Commissioner Cooper asked for marked bike lanes in the road design. Chair Matyszczyk
27 requested the MDA contain any variance requests. Commissioner Pieper asked if the Applicant
28 had secured water rights. Mr. Schoen responded he was in discussions with Jordanelle Special
29 Services District to obtain water for 9 Equivalent Residential Units (ERU’s). Commissioner
30 Tihansky requested the plans for the future residential phase include a good storm water
31 management plan.

1 **VI. Meeting Adjournment**

2 There being no further business, Chair Matyszczyk asked for a motion to adjourn.

3 *Motion: Commissioner Tihansky moved to adjourn the meeting. Commissioner Cooper made*
4 *the second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper and*
5 *Commissioner Tihansky. Voting No: None. Absent from Voting: Commissioner Turner. The*
6 *motion carried.*

7 The meeting adjourned at 8:16 PM.

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Kathleen Hopkins
Deputy Recorder for Hideout

DRAFT

File Attachments for Item:

1. Discussion and possible recommendation to the Hideout Town Council of an Ordinance regarding updates related to subdivision procedures pursuant to Senate Bill 174 (2023) and House Bill 476 (2024), including technical corrections, and amendments to Hideout Municipal Code Titles 3, 8, 9, 10, 11, 12, and 13.

TITLE 3 PLANNING COMMISSION AND ADMINISTRATIVE LAW JUDGE

3.02.050 POWERS AND DUTIES

The planning commission shall have such powers and functions and shall perform such duties as prescribed by Utah Code Title 10-9a, and any further amendments of or supplements to which may hereafter be enacted, and shall also have such powers and functions and perform such other duties in connection with the planning and zoning of the town as may hereafter be prescribed by any ordinance. The planning commission shall be designated as the administrative land use authority for preliminary approval of all subdivision applications, and may not be the land use authority for final approval of subdivision applications for developments single-family, two-family, or townhome dwelling units.

3.02.090 NOTICE REQUIREMENTS

- A. If any applicant desires to have an item placed on the agenda for the regular meeting of the Planning Commission, a complete application (inclusive of all supporting content and required documents such as site plans, building elevations, etc.) and all associated fees and escrow funds must be submitted to the Recorder's Office no later than 10:00 am mountain time forty-five (45) calendar days prior to the Planning Commission's regularly scheduled meeting. If any required application items are delivered after the time set forth in this section, such application items will be placed on the agenda for the following regular meeting of the Planning Commission.
- B. This section makes no changes to any Land Use application schedule or deadlines outlined within existing Town Code or within any duly adopted Master Development Agreement. Those schedules and/or deadlines must be completed prior to any affected item being placed upon the agenda as outlined above.
- C. All applications for property development and/or use permits shall be actively pursued to a final decision by the town. If no activity such as plan submittals, reviews, meetings, or communication by the applicant has occurred on an application for one hundred eighty (180) days, the application will be deemed as inactive, and the file closed. The applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause and reasonable belief that the application will be pursued to completion, the Town Planner, or their designee may grant a one-time ninety (90) day extension. Once a file is closed, an applicant will be required to pay all applicable fees and reapply for permits or development.

3.04.06 POWERS AND DUTIES

The Administrative Law Judge shall hear and decide:

- A. Appeals from zoning decisions applying the zoning ordinance;
- B. Variances from the terms of the zoning ordinance.
- C. Nonconforming Uses: The Administrative Law Judge may make determinations regarding the existence, expansion or modification of nonconforming uses.

Town of Hideout

Subdivision Code Update for SB174 and HB476 Compliance, Excerpts from Titles 3, 10, and 11

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- D. Administrative Enforcement Appeals (Title 13)
- E. Any actions by the Board of Adjustment in the Hideout Municipal Code for an action by the Board of Adjustment shall be administered by the Administrative Law Judge.
- F. Any other appeal authority which may be delegated by the Mayor, except those that appeals from subdivision improvement plans, as defined in Utah Code Section 10-9a-401.2, which may not be delegated to the Administrative Law Judge.

TITLE 10 BUILDING AND DEVELOPMENT STANDARDS

10.04.14 EXPIRATION OF BUILDING PERMITS

A building permit ~~shall automatically~~ expires if construction is not begun within one year (1) from the date the building permit was issued. A building permit ~~shall automatically~~ expires if construction is not completed and a Certificate of Occupancy and Land Use Compliance obtained within two (2) years from the date the building permit was issued. The Building Official may, for good cause shown, extend the expiration date for a period of time not to exceed one (1) additional year. Inactivity on a building site exceeding 180 days will be grounds for a permit to expire ~~upon written notice from the Building Official~~.

10.06.02 LANDSCAPING AND MAINTENANCE REQUIREMENTS

Landscaping requirements within each zone shall adhere to the following standards:

- A. Landscaping shall follow criteria established in Section 10.08.36 in this Title.
- B. New plant materials should be planted in a way that respects existing planting patterns. Trees, shrubs, and ground cover are usually found in groups of similar species. New planting should follow the patterns characteristic to the Site and should, as much as possible, harmonize with them.
- C. The existing landscape, vegetation and topography are to be considered when siting structures and designing outdoor spaces.
- D. The preservation of natural vegetation or planting of new native vegetation is strongly encouraged for all residential and commercial properties and ~~shall may~~ make up no less than 50% of a property's total landscape area (exclusive of building footprint and paved areas).
- E. The following water-efficient landscape standards for new construction are required:
 1. No lawn is permitted on parking strips or areas less than eight (8) feet in width in new development.
 2. No more than 35% of front and side yard landscaped areas in new residential developments may be lawn/turf/mowed grass. This lawn limitation does not apply to small residential lots with less than 250 square feet of landscaped area.
 3. In new commercial, industrial, institutional and multi-family development common area landscapes, lawn/turf/mowed grass areas ~~shall may~~ not exceed 20% of the total landscaped area, outside of active recreation areas.
- F. These plants must achieve 75% coverage within two (2) years as determined by an aerial analysis and in accordance with an inspection by the Town Planner.
- G. Gravel/rock/rock mulch/decorative rock/sand is not permitted as a primary groundcover and is only permitted for small walking paths, small sitting areas/patios, borders, and/or as an accent feature in a garden. In no case ~~shall may~~ gravel/rock/rock mulch/decorative

- rock/sand exceed twenty-five percent (25%) coverage of the total yard area (not including building footprint and driveway) of any property.
- H. Naturally colored bark mulch may be used as a base ground cover in which to plant shrubs, trees, perennials, annuals, etc. These plantings must achieve at least sixty percent (60%) coverage of the barked area within two (2) years, and plant size and spacing shall not be less than twenty-five percent (25%) coverage at time of planting.
 - I. The Landscaping of all Street rights-of-way contiguous with the proposed Development site not used for Street pavement, curbs, gutters, sidewalks, or Driveways shall be required in addition to the On-Site landscaped areas required herein.
 - J. Pavement such as asphalt with a concrete or paver border, concrete, or other materials may not cover greater than twenty-five percent (25%) of any Lot's total landscape area (exclusive of the building footprint). This includes driveways, parking pads, walkways, porches and patios.
 - K. Community Gardens may count toward a Landscaping and/or Open Space requirement for Multiple Family Residential Developments.
 - L. A minimum fifteen-foot-wide landscape buffer shall be required along those property lines of a site developed for Multiple Family Dwellings, commercial, or industrial uses when such property lines are contiguous with any residential Development or residential zoning district; except that no such landscape buffers shall be required for Multiple Family Dwellings contiguous with other Multiple Family Dwellings or a Multiple Family zoning district. The area of this landscape buffer shall not be used to satisfy the landscape area requirements of this Section.
 - M. The landscape buffer areas shall be improved with a minimum of one (1) screening tree spaced at each ten-foot interval (staggered configuration) of the property boundary being screened.
 - N. Parking Lot Landscaping. Five percent (5%) of the gross parking surface area shall be of dispersed interior Landscaping, designed so as to reduce the "heat island" effect and to enhance the aesthetics of a parking area. A Development with single drive aisle between a building and property boundary may include the required Landscaping on the perimeter of the drive aisle toward this requirement.
 - O. Natural vegetation is permitted for passive Open Space areas. Active Open Space areas may use introduced vegetation for park areas, walking areas, play fields, etc.
 - P. All landscape improvements (landscape materials, irrigation system, landscape buffers, etc.) shall be installed and paid for by the Developer on the site in accordance with the approved Final Landscape Plan prior to the issuance of a certificate of occupancy for the building or use.
 - Q. Automated irrigation systems are required.
 - R. The Homeowners Association shall maintain all Common Areas and facilities.

10.06.04 OPEN SPACE AND PUBLIC SPACE GENERAL REQUIREMENTS

Open Space and Public Space requirements within each zone shall adhere to the following requirements:

- A. Unless approved by the Town Council, the following ~~shall~~may 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.
- B. Public Space may be counted towards the Open Space Requirement calculation.
- C. Open Space shall follow criteria established in Section 10.08.32 in this Title.
- D. Land shall be reserved, and improvements installed for Public Space following the criteria established in Section 10.08.34 in this Title.
- E. Any public trails and Public Spaces shall be either be dedicated to the Town of Hideout or a Public Access Easement dedicated to the Town. Once the improvements associated with Public Trails or Public Spaces are complete according to Town Standards and the Town of Hideout accepts the dedication, the Town of Hideout shall thereafter assume the responsibility of maintaining such public trails or Public Spaces.

10.06.06 CONVEYANCE OF OPEN SPACE

- A. **Open Space** shall be conveyed as follows:
 - 1. If the Town Council determines that a conveyance to the Town will benefit the public, to the Town of Hideout once any infrastructure and improvements have been constructed to Town Standards and approved by the Building Official. Any conveyance to the Town shall be in a form approved by the Town Attorney. If the Town determines not to accept a conveyance, the Town may require a public access easement over the Open Space and any Public Trails thereon.
 - 2. If the Town Council determines that conveyance to the Town will not benefit the public, the Open Space must be conveyed to either:
 - a. A homeowner's association organized for the Subdivision in which the Cluster Development; or
 - b. To a nonprofit organization whose principal purpose is the conservation of lands similar to Open Space, provided the conveyance to such a nonprofit organization must be approved by the Town Council.

Commented [A1]: JLS - The Town can only require completion of "Public Landscaping Improvements" under 10-9a-604.5.

- B. In any case, where the Open Space is conveyed pursuant to subparagraph (1)(b), above, a deed restriction enforceable by the Town shall be recorded that provides that the Open Space shall:
1. Be kept in the authorized condition(s); and
 2. Not be developed for Structures, Buildings, Accessory Structures, roadways, or other purposes which are inconsistent with Open Space.

10.08.04 APPLICATION OF STANDARDS

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere within the Town Code. The current edition of the construction specifications for the Town of Hideout will also govern construction of infrastructure in the Town of Hideout.

10.08.06 GENERAL STANDARDS

- A. The design and development of Subdivisions shall preserve, insofar as possible, the natural terrain, natural drainage, existing topsoil, existing vegetation, and viewsheds.
- B. The design of buildings should, insofar as possible, blend into the natural beauty of Hideout. See Section 10.08.08 – Building Design Standards for more information.
- C. Monotony Clause – to mitigate the issues associated with monotony of design for single-family or townhouse (two-family) structures located within a neighborhood; the following standards apply:
1. Minor Subdivisions (5 lots or less) ~~shall may~~ not have any two (2) structures with the same elevation. The differentiation of each structure shall be a combination of unique roof lines, garage stepbacks, entry/porch location and canopy, fenestration, building materials, and colors.
 2. Major Subdivisions (6 lots or more) ~~shall may~~ not have greater than twenty (20%) of the structures with the same elevation and, in no case, ~~shall may~~ 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 stepbacks, entry/porch location and canopy, fenestration, building materials, and colors.
- D. Land subject to natural hazards such as flooding, wildfire, falling rock, landslides, and avalanches shall be considered unsuitable for any occupancy that may impair the health, safety, or welfare of the inhabitants. Such land shall be identified and ~~shall may~~ not be subdivided until the hazards have been mitigated or will be mitigated by the Subdivision and construction plans in accordance with the Town Code. Where such hazardous conditions are adjacent to lands proposed for Subdivision, the proposal may be denied unless potentially hazardous conditions are appropriately mitigated per the Town Code.

- E. The Applicant or builder shall comply with landscape requirements of approval, maintain vacant lots, keep sidewalks clear and roads swept, and implement best management practices, including revegetation of disturbed sites, as needed, to reduce erosion, sedimentation, and noxious weed proliferation during Subdivision construction and until the lots are sold.
- F. Maintenance of Common Areas must be accomplished through either covenants and a Homeowners Association, a separate maintenance agreement, or some other perpetual agreement.

10.08.36 LANDSCAPING AND IRRIGATION

- A. **Landscape Improvements and Guarantees.** All landscape improvements (landscape materials, irrigation system, landscape buffers, etc.) shall be installed and paid for by the Developer or property owner on the site in accordance with the approved Final Landscape Plan prior to, or within nine (9) months of, the issuance of a certificate of occupancy or a temporary certificate of occupancy for the building or use. A failure to complete the landscaping within the time limits in this section may subject the Developer or property owner to a refusal, suspension, or revocation of the certificate of occupancy and other civil or administrative actions.
- B. **Minimum Size of Plantings.** Unless otherwise specified herein, all required deciduous trees shall be 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 gallon in size.
- C. **Plant Materials.** Plant shall be well-suited to the soil and climate conditions at the project site. Native plant materials are encouraged. The Applicant shall provide the water requirements for all plant material.
- D. **Natural Topping of Landscape Areas.** All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: groundcover, planting, or wood mulch. Decorative rock (commonly known as rice gravel, pea gravel or decomposed granite [DG]) may be used as a ground cover for up to 25% of a property's landscape area (exclusive of building footprint and driveway/parking area).
- E. **Irrigation Standards**
 - 1. All landscaped areas shall be supported by an automatic irrigation system which may be a spray, soaker, or drip type system. The irrigation system shall meet all State and Town requirements for potential cross-connections that must be protect against backflow to the culinary water system. All irrigation systems and landscaped areas shall be designed, constructed, and maintained so as to promote water conservation and prevent water overflow or seepage into the road, sidewalk, or parking areas.
 - 2. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Sod and non-sod areas shall be irrigated on separate valves. Drip Emitters and sprinklers shall be placed on

Commented [A2]: JLS - The Town can only require completion of "Public Landscaping Improvements" under 10-9a-604.5.

separate valves.

3. Separate Connection. Any landscaping that will be owned and maintained by the Town shall have separate irrigation line connection prior to the master meter. A backflow prevention device shall be installed by the Developer or Property Owner as required by the Town Planner or Town Engineer.

F. **Soil Preparation.** Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include ripping, tilling, and/or scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material.

G. **Landscape Buffer.** A minimum fifteen-foot-wide landscape buffer with a minimum of one (1) screening tree spaced at each ten-foot interval (staggered configuration) shall be required along those Property lines of a site developed for multiple-family residential, commercial, or industrial uses when such Property lines are contiguous with any residential development or residential zoning district; except that no such landscape buffers shall be required for multiple-family residential contiguous with other multiple-family development.

10.10 CONSTRUCTION AND IMPROVEMENTS REQUIRED

10.10.02 CONSTRUCTION STANDARDS

10.10.04 CONFLICTING PROVISIONS

10.10.06 REQUIRED IMPROVEMENTS

10.10.02 CONSTRUCTION STANDARDS

Construction standards, including drawings, tables, charts, references and other regulations adopted by the Town Council by resolution, shall constitute Subdivision Regulations supplementing this Ordinance.

10.10.04 CONFLICTING PROVISIONS

~~In their interpretation and application, the provisions of this title shall be considered as minimum requirements. Where the provisions of this title impose greater restrictions than any statute, other regulations, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provision of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail. Where specific requirements are made or exemptions allowed under other sections of this Ordinance, those requirements or exemptions shall prevail over the Subdivision Regulations supplementing this Ordinance.~~

10.10.06 REQUIRED IMPROVEMENTS

The following improvements shall be constructed at the expense of the Applicant, in accordance with the provisions of this Title ~~and~~, the Zoning Ordinance, and the construction standards adopted by the Town Council. A performance bond as described in Section 11.06.14 Fees

Commented [A3]: JLS - Consider revising to the more stringent standard controls. See example in 11.02.08. "Greater restrictions prevail."

Commented [A4R3]: agreed

Commented [A5]: JLS - These should be explicitly identified as part of (assuming they are not the entire) subdivision improvement plans.

Commented [A6R5]: We are also looking to update the engineering standards

(and specifically detailed in the Town's Fee Schedule adopted by Resolution) shall be secured to ensure installation of required improvements. The improvements shall include:

- A. Roads and road requirements:
 - 1. The grading and graveling of all roads and the installation of all required culverts in accordance with this Title;
 - 2. The hard surfacing of all roads in accordance with Town Standards;
 - 3. Sidewalks, curbs, planter strips and gutters in accordance with Section 10.08.16.
- B. Drainage and onsite stormwater management infrastructure in accordance with Section 10.08.20.
- C. Water, Sewer, Solid Waste:
 - 1. A potable water supply in amounts and manner as required under Section 10.06.22 of this Ordinance in accordance with the State Board of Health Standards;
 - 2. The installation of water and sewer mains and water and sewer laterals to each lot Property line shall be required in accordance with Town Standards;
 - 3. The installation of fire hydrants in accordance with Town Standards;
 - 4. Solid waste disposal facilities shall be provided in accordance with Town Standards.
- D. Electricity, natural gas, telephone service, high speed internet service (50/50 Mbps or greater), video, water, sewer and storm drains, shall be installed in accordance with Section 10.08.26 and all other Town Standards. These utilities shall be located underground except when the Applicant demonstrates by clear and convincing evidence that underground lines and structures are not technically possible using commercially available technology. Junction boxes which are less than four (4) feet in height and which are essential to the provision of utility service are exempt from the undergrounding requirement so long as they are wholly located within a utility easement.
- E. Open Space, Public Trails, and Public Space in accordance with Section 10.08.32 and Section 10.08.34.
- F. Landscaping and irrigation systems in accordance with Section 10.08.36.
- G. Survey Monuments. The installation of survey monuments in accordance with Town standards and shall be installed on road right-of-way lines, at road intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the road limits. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor.
- H. Road lighting shall be installed as per Town Standards.
- I. In order to preserve and maintain views within the Town, all utilities, lines, supports,

and all related structures shall be installed underground. Any utility provider seeking to install new, additional, supplemental or replacement structures or systems above ground pursuant to Section 10.10.06(4) shall, upon request of the Town, attend a meeting as part of the permitting process to discuss and explore ways of preserving the then existing views or, when not technically possible, ways to minimize the impacts to then existing views within the Town. A utility provider shall comply with the Town's requests for above ground adjustments to utility structure location(s) when technically feasible, so long as such requests are based upon: (i) preservation of then existing views; or (ii) public safety.

- J. Upon request, a utility provider seeking to install new, additional, or replacement structures or lines shall promptly provide, as part of any permitting process: (i) accurate drawings depicting the exact locations and approximate dimensions of all proposed above ground lines and structures; and (ii) stake out specific locations as requested by the Town. Failure to timely comply with such requests shall be grounds to deny a permit application.

10.12 GENERAL TERMS AND DEFINITIONS

The following definitions are adopted; additionally, the definitions set forth in Utah Code Section 10-9a-103, as amended, are hereby incorporated as additional definitions pertaining to this Title.

...

Applicant. The Owner of land proposed to be subdivided or such Owner's duly authorized agent. Any agent must have written authorization from the Owner.

...

Civil Engineer. A professional engineer registered in the State of Utah to practice in the field of civil engineering.

...

Developer. Depending on the context in which it is used, either:

1. an Applicant for Subdivision approval;
2. an Applicant for a building permit or other land use permit provided for under the Town Code; or
3. the Owner of the Property for which Subdivision or other land use approvals are sought.

Development. The total area of the parcel of land on which a Building permit is to be issued, or the total area of property being improved.

Development Agreement. The agreement between the Town and the Owner/Developer that outlines the duties, responsibilities, obligations, commitments and promises of the Town and the Owner/Developer.

...

Dwelling. A Building or portion thereof designed or used for residential occupancy, including one- family, two-family, multiple family, and apartment Structure; but shall not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar Structures designed or used primarily for transient residential uses.

Dwelling, Multiple Family Unit. A Building arrangement designed for and/or occupied by three or more families.

Dwelling, Single Family Attached. Two or more contiguous Dwelling Units designed to be independently owned and occupied which are connected by a Lot line wall or party wall, each unit having separate water, sewer, electricity, heating and communication supplies.

Dwelling, Single Family Detached. A Building designed for and occupied exclusively by one family on a separate Lot and not sharing any common wall.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation.

E

Easement. Authorization by a Property Owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the Owner's Property. An Easement may be for use under, on the surface, or above the Owner's Property.

Electronic Format. Drawings, maps, calculations, documents or other data required by the Town are to be provided by the Applicant on digital media (or other means) readable by a compatible computer. Types of electronic files including versions will be as requested by Town Staff.

...

Final Plat. A map of a Subdivision, required of all Subdivisions, which is prepared for final approval and recordation purposes in accordance with the applicable standards, which has been accurately surveyed, so that roads, lots and other divisions thereof can be identified.

...

Landscaping. The installation of plant materials (i.e., lawn, ground covers, annuals and perennial flowering plants, vines, shrubs, and trees), planted directly on the property.

Landscaping, Public. Landscaping of areas that will be dedicated to and/or maintained by the Town.

...

Lot. A unit of land described in a recorded Subdivision Plat.

Lot, Area. The horizontal area within the exterior lines of the Lot, exclusive of any area in a public or private way open to public uses.

Lot, Building. A parcel of land which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth applicable to the zone in which it is located and having Frontage on a public or approved private Street.

Lot, Coverage. The percent of a lot covered by buildings, driveways, parking areas, sidewalks, or any other impermeable surface.

Lot, Double Frontage. Any Building Lot which has both the front and Rear Yard line bounded by a Street. This does not normally include corner Lots.

Lot, Corner. A Building Lot situated within a corner created by the intersecting lines of a Street or Streets that has Frontage on two (2) sides.

Lot, Flag. A Lot that does not have the required Frontage on a Town of Hideout Road or Private Road built to the Town of Hideout Standards. Access to the buildable portion of the Lot is through a narrow private access that is contiguous and part of the Lot.

Lot, Inside Gore-Shaped. A Lot where side Lot lines converge towards the rear to a point or the rear Lot line width is less than half the required width for the Lot in the applicable zone.

Lot, Interior. Any Building Lot other than a corner Lot.

Lot Line, Front. Any Street right-of-way line of record or established by use, which forms one or more boundaries of a Lot.

Lot Line, Rear, For Corner Lots. The interior Lot line which has been designated as the rear Lot line determined by the direction the house faces.

Lot Line, Side, For Corner Lot. All interior Lot lines for multi-Frontage Lots; for other corner Lots, that interior Lot line which the Lot owner has designated as the side Lot line.

Lot Line, Side, For Interior Lots. Those interior lines lying opposite each other, running between the front and rear Lot lines, or in the case of a multi-Frontage Lot, those interior lines which run between the two front Lot lines.

Lot, Multi-Frontage. Any Building Lot, the centerline of which intersects two front Lot lines, and which has no rear Lot line.

Lot Width, For Corner Lots. The width of the Lot as measured along both Street Frontages at the required setback.

Lot Width, For Interior Lots. The horizontal distance between the side Lot lines measured along a line lying at right angles to the centerline of the Lot at the point of the required setback.

Planning Commission. The Town of Hideout Planning Commission.

Planning Commission Chair. The chairperson of the Planning Commission appointed by the Mayor.

Public Improvement. Any road dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building or structure.

...

Public Space. Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hardscaped plazas, public trails, and public pedestrian amenities; but excluding Buildings.

...

Road, Primary. The main access road into a Development.

Road, Private. A road that is on private property and maintained by the property owners and not a public entity.

Road, Public. A road that is dedicated to a public entity and maintained by a public entity.

...

Security Agreement. Agreement to install improvements secured by cash bond, cash escrow, an irrevocable letter of credit, or any combination of the preceding as approved by the Town Council.

...

Subdivision. Any land that is divided or proposed to be divided into two (2) or more Lots, parcels, sites, units, Plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or Development either on the installment plan or upon any and all other plans, terms and conditions.

Subdivision Improvement Plans. The civil drawings required and associated with required improvements for any Subdivision, including those for required improvements identified in Town Code Section 10.10.06.

Subdivision Ordinance. The terms and provisions of Title 11 of the Town Code, as the same may be amended from time to time.

...

Town Administrator. The official appointed by the Mayor of the Town of Hideout as the Town Administrator.

Town Code. This code of ordinances duly adopted by the Town of Hideout, and any amendments thereto.

Town Council. The legislative body of the Town of Hideout, consisting of the elected or appointed council members and the Mayor.

Town Engineer. The Town Engineer, a licensed professional engineer in the State of Utah, appointed by the Mayor of the Town of Hideout or the Town Engineer's authorized representative.

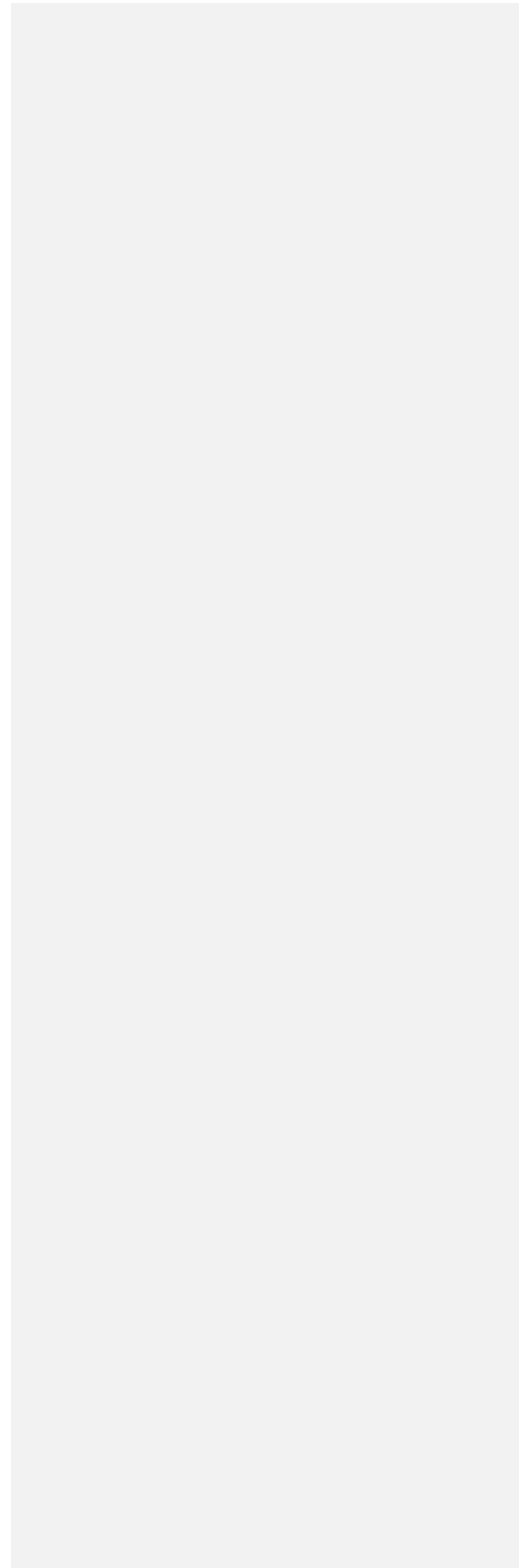
Town Planner. The individual appointed as the Town Planner by the Mayor of the Town of Hideout.

Town Staff. The employees and administrative appointees of the Town of Hideout, including, without limitation, the Town Administrator, Town Clerk, office staff, public works staff, maintenance staff, Town Planner and planning staff, Town Engineer and engineering staff, and Building Official and building staff.

Town Standards. The standards, including the Town Code and other applicable standards which have been adopted, created, or approved as authorized under the Town Code, which govern or regulate building, land development, construction and other similar activities.

...

Zoning Ordinance. The terms and provisions of Title 12 of the Town Code, as amended from time to time.



TITLE 11 SUBDIVISION REGULATION

11.02.02 SHORT TITLE

These Subdivision Regulations shall be known and cited as the TOWN OF HIDEOUT SUBDIVISION REGULATIONS, hereinafter referred to as the "Subdivision Ordinance".

11.02.04 STATEMENT OF PURPOSE

The purposes of this title ~~shall be~~ to:

- A. Protect and promote the health, safety, convenience, and general welfare of the present and future inhabitants of the Town of Hideout;
- B. Establish reasonable standards of design and procedures for Subdivisions and plat amendments in order to further the orderly layout and use of land; and to insure proper legal descriptions and recordation of subdivided land.
- C. Establish the rights, duties, and responsibilities of Applicants and Developers with respect to land Subdivision;
- D. Secure the provision of necessary infrastructure and services in an efficient and economical manner for existing and future residents;
- E. Guide the future growth and development of the Town of Hideout, in accordance with the General Plan.
- F. Prevent the pollution or degradation of air, water, and soil, assure the adequacy of drainage facilities, minimize site disturbance and removal of native vegetation, and reduce the hazards to life and Property from fire, flood, erosion, sedimentation and soil slippage.
- G. Provide for Open Space and Public Space through efficient design and layout of the land using Open Space requirements and other provisions of the Town Standards.
- H. Encourage the wise use and management of natural resources in order to preserve the integrity, stability and aesthetics of the community.

11.02.06 AUTHORITY

- A. By authority of ordinance of the Town Council of the Town of Hideout, hereinafter referred to as "Town Council", adopted pursuant to the powers and jurisdictions vested through Title 10, Chapters 3 and 9a of the Utah Code, Annotated (1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the Town Council hereby exercises the power and authority to ~~review, approve, and disapprove~~ regulate and establish procedures and requirements for plats for subdividing land within the corporate limits of the Town of Hideout.
- B. By the same authority, the Town Council does hereby exercise the power and authority to regulate and establish procedures and requirements for ~~pass and approve~~ development

- in Subdivisions and plat amendments of land ~~already~~ recorded prior to November 1, 2024, in the office of the County Recorder if such are entirely or partially undeveloped.
- C. ~~The Any~~ Subdivision or plat shall be ~~considered to be~~ void if the Subdivision or plat has been recorded with the County Recorder's office without a prior approval by the Town ~~Council~~.
- D. A Transfer of land pursuant to a void plat is voidable in the discretion of the Town Council.
- E. The Town Planning Commission is hereby designated as the administrative land use authority for preliminary plat applications for subdivisions.
- ~~D.F.~~ The Town Planner is hereby designated as the administrative land use authority for final plat applications for subdivisions.

Commented [A7]: Town planner

11.02.08 INTERPRETATION AND SEVERABILITY

- A. Greater Restrictions Prevail: In their interpretation and application, the provisions of this title shall be considered as minimum requirements. Where the provisions of this title impose greater restrictions than any statute, other regulations, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provision of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

~~Definitions: Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of Utah Code Annotated or in the Town Code, such definition is incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory and the term "may" is permissive.~~

- B. Severability of Parts: The various sections, subparagraphs, sentences, phrases and clauses of this title are hereby declared to be severable. If any such part of this title is declared to be invalid by a court of competent jurisdiction or is amended or deleted by the Town Council, all remaining parts shall remain valid and in force.
- C. Rounding: Rounding to whole numbers may be used to determine distance or height, but not in determining maximum or minimum area or other quantitative standards or requirements. A decimal ending with five (5) or greater may be rounded up to the next whole number.
- D. Time Computation: Unless otherwise specified herein, a period of time specified in this title shall be calendar days beginning on the day after the act, event or decision to which the time period refers and ending at eleven fifty-nine (11:59) P.M. on the last day of the time period.

11.02.10 COORDINATION WITH OTHER DOCUMENTS

This title, other titles and chapters of the Town Code, the Town Standards, and the most recent version of the Town of Hideout General Plan ("General Plan") adopted by the Town Council shall guide the use of all land within the municipal boundaries of the Town.

11.02.12 SUBDIVISION ORDINANCE AMENDMENTS

- A. The Town Council may, from time to time and in a manner consistent with the General Plan, amend any provision of this title. Amendments shall be approved in accordance with all public notice and public hearing requirements imposed by state law or local ordinance.
- B. Any amendment or revision to this title shall supersede any prior provisions or ordinances. Provisions of this title not affected by the amendment or revision shall continue to be valid and ~~shall may~~ not be considered a new enactment when amendments or revisions are adopted. Any prior provisions of Town ordinances, which do not conform to provisions of this title, are declared void. Any uses, structures or buildings which were conforming to previous provisions of this title but do not now conform shall be nonconforming uses, structures or building.

11.02.14 ORDERLY DEVELOPMENT REQUIRED

All Subdivisions, site plans, Condominiums and other developments shall be developed in an orderly manner and in such a way that the required improvements will be continuous and available as necessary during construction activities within the project, and that all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferee or lessee of any of the lands developed within the time herein provided or in phases specified. Subdivisions shall be planned and developed to accommodate the continuation of roads, utilities, drainage and other infrastructure to adjoining properties. Over sizing of lines or infrastructure in the Subdivision may be necessary to accommodate future development outside of the project.

11.02.16 COMPLIANCE REQUIRED

- A. No tract of land ~~shall may~~ be divided, subdivided, reconfigured, developed or redeveloped except in conformance with provisions of this title and all other applicable provisions of the Town Code and other Town Standards.
- B. No plat, Subdivision amendment or reconfiguring of Property ~~shall may~~ be recorded except in accordance with the provisions of this title and all other applicable provisions of the Town Code and other Town Standards.
- C. All licenses, permits, agreements and plans issued or approved by the Town shall comply with all requirements and provisions of the Town Code and other Town Standards.
- D. All Subdivisions, Condominiums, site plans, construction and infrastructure shall be designed and constructed in conformance with Town Code and other Town Standards.

- E. All uses shall be conducted in conformance with Town Code and other Town Standards, all approved plans, and requirements or conditions of approval.
- F. Land which is to be subdivided shall not be transferred, sold or offered for sale prior to recording the subject plat and until all requirements of Town Code for Subdivisions, Condominiums or other development have been met.
- G. No building permit may be issued for any structure or development on any land that has been divided, subdivided, reconfigured, developed or redeveloped in a manner not in conformance with the provisions of the Town Code and all other applicable ordinances and regulations.

11.02.18 VACATION, ALTERATION OF AMENDMENT OF PLATS

The Town Council may, on its own motion, or pursuant to a petition or application, consider and approve at a public hearing any proposed vacation, alteration, or amendment of a Subdivision plat involving any vacation of a plat or portion thereof, ~~or of~~ any road, lot, alley or public use area contained in a Subdivision plat, as provided in Utah Code Section 10-9a-608 through 10-9a-609.5 as amended. If an amended plat is approved by the Town Council and recorded, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat on the same land. An ordinance, when approved by the Town Council and recorded, shall replace a previously recorded plat described in the vacating ordinance.

11.02.20 VIOLATION, ENFORCEMENT AND PENALTIES

In addition to denial, suspension, or refusal to act on a Developer or Owner's request, any person who violates the provisions of this title shall be guilty of a class B misdemeanor unless otherwise established by law. Each day of violation of this title exists shall be considered a separate violation and subject to the penalties of this section and any other applicable law, ordinance, or regulation.

11.02.22 APPEALS

The requirements and procedures for appealing decisions of the Town's land use authority in administering or interpreting the Town land use provisions of the Town Code, including this title, are set forth in Title 3 of the Town Code, and are hereby incorporated herein by this reference. Notwithstanding any other provision of the Town Code, any appeal from the Subdivision Improvement Plans, as defined in Utah Code Section 10-9a-604.2, shall comply with Utah Code Sections 10-9a-604.2(8) and 10-9a-508(5)(d) in effect as of the date of the adoption of this Ordinance.

Chapter 11.04 Definitions.

11.04.02 GENERAL

Definitions: Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of Utah Code Annotated or in the Town Code, such definition is incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a

Commented [A8]: This is duplicated in 11.02.08.
Consider removing one.

Commented [A9R8]: agreed

contrary intention. Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular includes the plural; the word "shall" is mandatory and not directory; the word "may" is permissive. ~~Words used in this title, but not defined herein, shall have the meaning first as defined in any other ordinance adopted by the Town and then its common, ordinary meaning.~~

11.04.04 DEFINITIONS

The definitions set forth in Title 10 of the Town Code are hereby incorporated as definitions pertaining to this title.

11.06.02 CLASSIFICATION OF SUBDIVISION

- A. **Minor Subdivision.** A Subdivision containing not more than five (5) lots fronting on an existing road, not involving any new road or existing road, or the extension of municipal facilities, or the creation of Public Improvements, is not commercial and that is consistent with the General Plan and existing Official Zoning Map.
1. A Concept Plan may be approved in accordance with these regulations (preferred, but optional).
 2. A Preliminary Plan shall be approved in accordance with these regulations (preferred, but optional).
 3. A Final Plat shall be approved in accordance with these regulations.
- B. **Major Subdivision.** A commercial project, Condominium, or a residential Subdivision of land into six (6) or more Lots, or any size Subdivision requiring any new road.
1. A Concept Plan ~~shall may~~ be approved in accordance with these regulations (preferred, but optional).
 2. A Preliminary Plan shall be approved in accordance with these regulations.
 3. A Final Plat shall be approved in accordance with these regulations.
- C. **Plat Amendment.** The combining of existing subdivided Lots into one (1) or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations.
1. Plat Amendments shall be reviewed according to the requirements of Section 11.06.24 and Section 11.06.26 Final Plat Application and Procedures and approval shall require a finding of Good Cause and a finding that no Public Road, Right-of-Way, or Easement has been vacated or amended.

11.06.04 APPLICATION FORMS AND PERMITS REQUIRED

- A. The Mayor or his/her designee shall author application forms and may identify submittal requirements and processing procedures for the acceptance and filing of all applications required by the land use ordinances and building codes, as adopted. The forms, applications, and requirements shall be available upon request or made publicly available on the Town's website.
- B. The requirements of all land use ordinances and building codes, as applicable, shall apply to all uses, buildings or structures located, or proposed, within the Town. No use, building or structure ~~shall~~may be commenced or occupied unless and until all necessary approvals, permits and licenses have been issued in accordance with all requirements of the land use ordinances and building codes, as applicable.

11.06.06 PUBLIC NOTICE REQUIRED

- A. Unless otherwise required under state law, notice of all public hearings held by the Town Council or Planning Commission with respect to subdivision or land use applications shall be provided by the Town at least ten (10) calendar days before the date of the public hearing. Such notice shall be provided d as required under Utah Code Section 10-9a-205 as if the application were a land use regulation.
- B. If notice given under the authority of this section is not challenged in accordance with applicable appeal procedures thirty (30) days from the date of the hearing for which the notice was given, the notice is considered adequate and proper. The notice provided in this section may be referred to in this title as "required notice". The cost of required notices shall be paid by the Applicant.

11.06.08 BONDS GUARANTEEING CONSTRUCTION IMPROVEMENTS

11.06.08.01 COMPLETION BOND

- A. **Completion Bond Required.** If the required landscaping and infrastructure improvements have not been completed and accepted by the Town prior to the time a final plat for a subdivision, or portion thereof, has been recorded, a completion bond in a form acceptable to the Town shall be required prior to the recordation of the Final Plat. The completion bond will secure installation of any public landscaping or infrastructure improvements required by or promised to the Town of Hideout as part of the development.
- B. **Completion Bond Time Period.** The Town will authorize a pro-rata portion of the completion bond to be released as portions of the required infrastructure and improvements are completed and accepted in accordance with all applicable Town Standards.
- C. **Completion Bond Amount.** A completion bond shall be posted with the Town of Hideout in a principal amount of one hundred (100) percent of the total estimated cost of any improvement or other performance required by or promised to the Town of Hideout as part of the development. The estimated cost shall be based upon the estimate of the Town Engineer who shall take into account some or all of the following factors

when making his estimate:

1. The Developer's engineering estimate;
2. The estimate of any reviewing engineer;
3. Any other relevant information.

D. **Failure of Performance, Extension of Time.** In the event that any performance covered by a completion bond required is not completed within the time period allowed for under the completion bond, the Developer may petition Hideout for an extension of time in which to complete the required performance. A one-year extension of time may be granted by the Town Council upon application by the Developer, upon a showing of good cause and diligent effort by the Developer to complete the performance as provided in this chapter.

E. **Form of Bond.** Guarantee arrangements offered in lieu of simultaneous completion of Buildings and Site or Public Improvements shall be in an amount determined as provided for above, and shall be in one or more of the following forms:

1. An irrevocable letter of credit issued by a bank authorized to do Business in the State of Utah or an out-of-state bank, provided that a bank authorized to do Business in Utah confirms in writing that it will honor the letter of credit, naming the Town of Hideout as the payee of funds drawn against that letter of credit and guaranteeing the availability of funds for eighteen (18) months, or
2. A deposit of cash with a third-party Escrow, or
3. A deposit of cash with the Town, or
4. Some combination of the above as approved by the Town or an approved equal.

11.06.08.02 WARRANTY BOND

A. **Warranty Bonding.** Upon completion of the required improvements or other performance subject to a completion bond, the Developer shall petition the Town of Hideout for release of the completion bonds, or a portion thereof, as applicable. The Developer, prior to release of the completion bond, shall obtain and provide to the Town a warranty bond as security for the Developer's unconditional warranty that the required improvements or other promised performance comply with all applicable Town Standards and will not fail in any material respect as a result of poor workmanship or materials for a period of one (1) year following the date of acceptance of the improvements by the Town of Hideout. The warranty bond provided for herein shall be required in order to ensure that the improvements are installed pursuant to the approved plans, are structurally sound, and that no further replacements or repairs are required.

B. **Warranty Bond Amount.** Warranty bonds required herein must have a face amount of at least ten percent (10%) of the value of Town Engineer's current estimate of cost of completion of the improvements to be warranted. Developer may not draw against the warranty bond for any purpose during the warranty period.

11.06.08.03 NOXIOUS WEED ABATEMENT BOND

- A. All Subdivision Construction Permits require a cash noxious weed bond. \$500 per acre shall be assessed for the bond. The bond is refundable the later of a three year period following receipt of a project's final approval or until the Town Engineer approves the bond release. The Developer shall petition the Town of Hideout for release of the noxious weed abatement bond, or a portion thereof, as applicable."
- B. Applicants of Subdivision Construction Permits and the Town of Hideout will execute a Weed Bond Agreement.

11.06.10 INSPECTIONS DURING APPLICATION PROCESS

- A. To review information relevant to an application, the Town Planner, Town Engineer, or other Town Staff may enter upon any land at reasonable times to make examinations, investigations, and surveys related to the application.
- B. Applicants must show proof that the Property has legal access to their Property when the Property does not abut to a public road as a condition of subdivision approval.

11.06.12 INSPECTIONS DURING CONSTRUCTION

- A. Construction work involving the installation of Public Improvements in Subdivisions and other developments shall be subject to the inspection of the public works director and Town Engineer or their designees.
- B. Requests for inspections shall be made to the Town Engineer by the person responsible for the construction. Requests for inspection on work shall be made at least one working day prior to the commencement of the work. Inspections shall be made by the Town Engineer after various phases of the construction work are completed. Any faulty or defective work shall be corrected by the Developer or the Developer's contractor within a period of thirty (30) days from the date of the Town Engineer's written notification to the Developer that correction of the faulty or defective work is required.
- C. Work which does not comply with the approved plans and/or does not meet minimum Town Standards will not be accepted.

11.06.14 FEES

- A. **Application Fees.** The Town Council shall establish, by resolution, a Fee Schedule for the processing and review of all land use applications required by all land use ordinances and designed to recover the actual or anticipated costs for the processing of the land use application. The Fee Schedule may be included in the Town consolidated Fee Schedule, which Schedule may be amended from time to time by resolution of the Town Council. The Fee Schedule for the processing and review of all land use applications may include a processing fee and an application fee. Fees shall not be required for land use applications initiated by the Town.

- B. **Actual Cost Fees.** The Town Council shall establish by resolution, a Fee Schedule identifying the amount of money an applicant must place on deposit with the Town for to pay for the costs incurred by the Town in connection with processing and approving a land use application and inspecting any construction or development work performed in connection therewith.
- C. **Impact Fees.** Each subdivision and development and each individual lot contained within each development shall be subject to each applicable Impact Fees adopted by the Town of Hideout, as the same may be amended from time-to-time.

11.06.16 FIRE DISTRICT REVIEW

In connection with the first application delivered to the Town in connection with a subdivision of land (i.e. the Concept Plan, if a Concept Plan application is the first application submitted, the Preliminary Plan, if a Preliminary Plan application is the first application is submitted, or the Final Plan if a Final Plan is the first application submitted), the Applicant must deliver a copy of the Concept Plan, Preliminary Plan, or Final Plan, as applicable, to the Wasatch County Fire District for review and comment.

The plan submitted must contain information about road widths, access points, fire hydrant locations, and other matters reasonably requested by the Fire District. The Fire Chief of the Wasatch County Fire District or his designee shall, within twenty-one (21) days from receipt, provide comment and feedback regarding the in the form of a written report or approval letter which cites to relevant provisions of the International Fire Code or other applicable fire and safety standards as necessary.

If the Fire District does not provide written comment and feedback or approval within that time, the Fire District will be deemed to have waived the opportunity to do so with respect to such application. Any report or approval letter received from the Fire District shall be forwarded to the Planning Commission for consideration. A copy of any report or approval letter received from the Fire District shall also be forwarded to the Applicant. The Applicant will have up to seven (7) calendar days to provide written notice to the Planning Commission of the Applicant's intent to submit any additional information relevant to public safety, including (if desired) a report from an expert of Applicant's choosing, for consideration by the Planning Commission.

The Planning Commission shall consider the Fire District's report along with any information provided by the Applicant in determining whether to approve the Applicant's plan. If the Planning Commission approves the Applicant's plan, the Planning Commission will forward the Fire District's report, together with any information provided by the Applicant to the Town Council along with the Planning Commission's recommendation.

Before any subdivision plat is approved for recording with respect to any subdivision which obtained Preliminary Plan approval prior to the date of this paragraph took effect, or for which the Fire District review required above has not taken place, the Town shall request that the Fire District, within twenty- one (21) days, approve such plat or provide comments and feedback in the form of written recommendations which cite to relevant provisions of the International Fire Code or other applicable fire and safety standards. **If the Fire District does not provide written**

comments and feedback within that time, the Fire District will be deemed to have waived the opportunity to do so with respect to such plat. If the Fire District approves the plat or fails to provide comment and feedback within the time provided for herein, the plat shall be approved and signed so long as it otherwise complies with the Town Code.

If the Fire District does not approve the plat, then a copy of the Fire District's recommendations, together with any additional information which the applicant chooses to provide, as provided above, will be forwarded to the Town Council. The Town Council shall thereafter hold a public hearing to determine whether to approve the plat or to instruct the applicant to address the Fire District's recommendations prior to approving. At such hearing, the scope of the Town Council's review shall be limited to Fire District's recommendations.

11.06.18 CONCEPT PLAN APPLICATION

11.06.18.01 CONCEPT PLAN APPLICATION PACKAGE

A. A Concept Plan application package is required for all proposed multi-family dwelling unit or major residential or commercial Subdivisions. A Concept Plan application package is preferred but optional for all other residential and all Minor Subdivision application package.

B. A Concept Plan application package includes a completed Concept Plan application form, Concept Plan, and all required plans, reports and documents described herein that conform to the goals of the General Plan and the Town Code relating to the zone(s) governing the application. The Concept Plan should use the criteria established in the Building Code and other Town Standards.

C. Any person seeking to subdivide land that does not require a Concept Plan application within the Town boundaries may request a pre-application meeting or concept plan review. The Town highly recommends a pre-application concept plan review meeting prior to submitting a Preliminary Subdivision Application. An optional preapplication concept plan meeting is not a land use application for the purposes of vesting, and does not count toward the maximum number of review cycles for subdivision applications, where applicable. Within fifteen (15) business days after the request, the Town Staff shall schedule a meeting to review the concept plan and give initial feedback. At or before the scheduled pre-application meeting, Town Staff shall provide the applicant with, or make available on its official website, the following:

1. Copies of applicable land use regulations, including this Title;

2. A complete list of standards required for the proposed project;

3. Preliminary and final application checklists; and

4. Feedback on the concept plan.

B-D. The Town may not engage in substantive in review of Subdivision Improvement Plans during the Concept Plan review stage or at any other time prior to the beginning of the review cycles for Subdivision Improvement Plans during Preliminary Plan approval.

Commented [A10]: Consider making this a non-negotiable requirement for final approval. The Town can't approve the subdivision if the applicant can't produce the Fire District's sign-off.

11.06.18.01 CONCEPT PLAN APPLICATION PACKAGE

- A. **Concept Plan.** The Concept Plan is a preliminarily engineered sketch plan drawn to illustrate the proposed layout for roads, lots, trails, Open Space, Public Space, snow storage areas, and other features in relation to the existing and planned roads within one quarter mile of the new Subdivision. This plan should be prepared using spatial data and shall be prepared by a team that is headed up by a licensed professional engineer or licensed architect/landscape architect. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed development.
- B. **Conceptual Level Road Design Plan.** As a part of the Concept Plan application package, the Applicant shall prepare a Conceptual Level Road Design Plan that includes:
1. General Location and Description of Project;
 2. Township, range, section, 1/4 section, (Subdivision, lot and block);
 3. Existing roads. Sidewalks and trails in the proposed development and connecting to the proposed development;
 4. Proposed road (including sidewalks and trails) concept and how it fits existing roads and traffic patterns, sidewalk and trails;
 5. General discussions of road design problems, including overall area traffic flow, traffic calming, aesthetics, fit to the mountain terrain, snow management, and minimization of disturbance, coordinating/accommodating utilities and consideration of anticipated structures that the roads will serve.
 6. General discussion of the rationale for including or excluding sidewalks and the proposed design criteria relative to pedestrian travel.
- C. **Conceptual Building Configuration and Design.** As a part of the Concept Plan application package, the Applicant shall prepare a Conceptual Level Site and Building Layout Plan that includes:
1. All proposed residential and commercial buildings within a site layout that includes streets, sidewalks, trails, park/open space, storm water basins, etc.
 2. A conceptual landscape plan including proposed plant typology.
 3. Conceptual architectural renderings of building designs proposed.
- D. **Conceptual Level Drainage Control Plan.** As a part of the Concept Plan application package, the Applicant shall prepare a Conceptual Level Drainage Control Plan that includes:
1. Location
 - a. Township, range, section, 1/4 section, (Subdivision, lot and block).

- b. Major drainage ways and facilities.

2. Description of Property

- a. Area in acres.
- b. Proposed land use and ground cover.

3. Drainage Basins and Sub-basins

- a. Reference to major drainage way planning studies such as flood hazard delineation report, major drainage way planning reports, and flood insurance rate maps.

4. Drainage Design Criteria

- a. Proposed drainage concept, onsite stormwater management infrastructure, and how it fits existing drainage patterns.
- b. Brief discussions of drainage problems, including storm water quality, and potential solutions at specific design points.
- c. Brief discussion of detention storage and outlet design.

5. Identification of Potential Improvements to Public Drainage Systems

- a. Identification of potential design concepts and impacts to local drainage systems.

E. **Conceptual Level Snow Management Plan.** As a part of the Concept Plan application package, the Applicant shall prepare a Conceptual Level Snow Management Plan that includes:

- 1. General location of snow storage areas.
- 2. Brief discussion of snow removal methods and snow management.

11.06.20 CONCEPT PLAN PROCEDURES

- A. The Applicant shall submit an application in Electronic Format to the Town ~~Hall~~ along with required fees set required under the Town's Fee Schedule. Up to five (5) hard copies of the Concept Plan application package may be requested by the Town Staff.
- B. The Town Staff shall ensure all necessary documents and information are included with the application and then submit the application to the following entities:
 - 1. Town Clerk for validation of tax compliance;
 - 2. Town Engineer for engineering review;
 - 3. The Town Planner for planning/design review; and

4. Wasatch County Fire District for review as provided for in this Code.
- C. The Town Administrator, Town Engineer, Town Planner, or Fire District Representative may request reasonable additional information from the Applicant from time to time.
- D. Within thirty (30) days of receiving all reports from the Town Administrator, Town Planner, Town Engineer, and Fire District, the Town Staff will review the application again for completeness and a letter will be sent if additional information is needed. During the Concept Plan review process, the Town Staff may request reasonable additional information from the Applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the Town, it may contribute to a decision in the best interest of the Town.
- E. When the Town Staff determines that the Concept Plan is ready for Planning Commission review, they will notify the Commission's Authority Representative and the Commission's Authority Representative will establish a date for a public hearing and initial presentation and review of the Concept Plan providing sufficient public notice as required under Section 11.06.06.
- F. The Planning Commission shall give guidance to the Applicant to assist in meeting the requirements and constraints for Subdivision development within the Town of Hideout.
- G. If the Planning Commission finds that the proposed Concept Plan complies with all applicable requirements, it shall approve the Concept Plan, or approve the Concept Plan with conditions, and the Applicant may apply for Preliminary Plan approval. If the Planning Commission determines that the proposed Subdivision would violate local ordinances and regulations, no further review of the proposed Subdivision shall be made by the Planning Commission, and a new Concept Plan shall be required to re-initiate the Subdivision process.
- H. The approval of the Concept Plan shall be effective for a period of six (6) months from the date the Concept Plan is approved by the Planning Commission, at the end of which time the Applicant must have submitted a Preliminary Plan for approval. If a Preliminary Plan is not submitted for approval within the six (6) month period following approval, or as extended by the Planning Commission in writing, the Concept Plan shall be void, and the Applicant shall be required to submit a new Concept Plan for review and approval subject to the existing provisions of this Code. An approved Concept Plan does not authorize the applicant to begin any form of land disturbing activities.
- I. Notwithstanding the foregoing, for optional Concept Plan applications, the Town Staff shall submit the completed Concept Plan to the Town Planner for administrative review, and no public hearing may be held.

11.06.22 PRELIMINARY PLAN APPLICATION

- A. A Preliminary Plan application package is required for all proposed major residential or commercial Subdivisions. A Preliminary Plan application package is preferred but optional for a Minor Subdivision application package

B. A Preliminary Plan application package includes a completed Preliminary Plan application form, Preliminary Plan, and all required plans, including those comprising the Subdivision Improvement Plans, reports and documents described herein that conform to the goals of the General Plan and the Town Code relating to the zone(s) governing the application. The Preliminary Plan shall incorporate the criteria and requirements of the Building Code and other Town Standards.

11.06.22.01 PRELIMINARY PLAN APPLICATION PACKAGE

A. **Preliminary Plan.** The Preliminary Plan consists of engineering drawing(s) prepared using spatial data that shall be drawn to a scale not smaller than one-inch equals one hundred feet (1" = 100') and that meet the minimum legal standards for survey as defined in Utah Code Section 17-23-20. The Preliminary Plan shall show the following:

1. Project name and address;
2. North point, scale, date;
3. A copy of the closure sheet which shall show the following:
 - a. The courses and distance of the proposed development/Subdivision boundary and the error of closure;
 - b. The area of each lot in square feet and acres.
4. All trails, Open Space, Public Space, and roadways
5. Names, addresses, and telephone numbers of Developer, engineer, and current and prospective Owners;
6. Nearest section corner tie, Township(s) and range(s);
7. Acreage, Property dimensions, project perimeter;
8. All proposed phases of the development, numbered and defined, with approximate timetable for development;
9. Location of entire development in relation to surrounding neighborhoods and developments (include names of adjacent Subdivisions and developments, adjacent Property Owners' names and addresses, and adjacent land uses and buildings);
10. Existing topography with a contour interval of two (2) feet;
11. Landscape plan illustrating cut and fill limits and limits of disturbance and landscaping plans including topographic lines (in conformance with the Hideout Water Quality Plan) and proposed landscape plant materials with botanical name, planting size, and numbers of each included;
12. Existing and proposed lot lines, Easements, walkways, roads and rights-of-way (public and private), including widths, names, and numbers, on subject and surrounding areas; proposed dedications of public use areas; existing and

- proposed curb, gutter, and sidewalk.
13. Existing waterways (including irrigation), significant vegetation, and natural features of the land;
 14. Sensitive lands in the proposed development shall be identified on a plan prepared and stamped by a licensed geotechnical engineer or licensed geologist;
 15. Soils testing and geotechnical analysis as required by the Town of Hideout;
 16. Existing and proposed infrastructure including all fire hydrants, water and sewer lines, storm sewer system, and all utilities, including but not limited to electricity, natural gas, telephone service, and infrastructure to support high speed internet service;
 17. Proposed layout of all public and private roads, if any, including profiles (same scale as site plan) and cross-sections (same as Town standards, at an interval of one hundred (100) feet (or as determined by the Town Engineer));
 18. Location and conceptual elevation drawings of existing and proposed buildings, signs, dumpster and utility enclosures, fences and other structures;
 19. Location of onsite drainage and stormwater management features;
 20. Unit configuration footprints and typical architectural elevations;
 21. Tabulation of projected ERUs, as established in accordance with the Town Standards;
 22. Any additional information which the Town Council may reasonably require in a specific instance. Where a Developer owns or controls more land than he or she wishes to develop immediately, the Town of Hideout may require that a Preliminary Plan of the whole area be submitted, in which case the Developer shall indicate the portion to be developed immediately and the portion to be held for future development.
 23. For multi-unit structures, the Preliminary Plan shall show the following additional information:
 - a. Firewall construction, as required by the International Fire Code, the adopted Building Code;
 - b. Additional parking, if required;
 - c. Additional Open Space, if required;
 - d. Location of individual utility lines and meters, if required; and
 - e. Additional exits.

B. Cluster Development Plan. If a Cluster Development is being requested, additional requirements for Cluster Developments required under the Town Standards should be

included.

- C. **Preliminary Road Plan.** As a part of the Preliminary Plan application package, the Applicant shall prepare a Preliminary Road Plan, using the criteria approved from the Concept Plan submittal, that includes the following additional information:
1. A Preliminary Plan and/or design of the Public Improvement
 2. References to all criteria, master plans, and technical information used in support of the Preliminary Road Plan.
 3. Proposed street names within the Subdivision.
- D. **Preliminary Traffic Impact Study.** As part of the Preliminary Plan application package, the Applicant shall prepare a preliminary Traffic Impact Study (TIS) to estimate site-generated traffic volumes and assess its impact on the public street system. The TIS shall also identify on-site and off-site improvements that might be needed as a result of the development including but not limited to, analysis of the traffic impacts of the development, the adequacy of the access drives and the suitability of the on-site circulation and parking.
- E. **Preliminary Evacuation Plan.** As part of the Preliminary Plan application package, the Applicant shall prepare a preliminary Evacuation Plan that includes: procedures for the orderly and coordinated evacuation operations for the proposed development in the event of an earthquake, wildfire, flooding, or other natural or manmade disasters. The Plan shall outline warning procedures: to be used for evacuations, to identify primary evacuation routes and shelter resources, to identify procedures for the security of the perimeter during and after the evacuation; and to identify procedures for allowing evacuees to return to their homes.
- F. **Preliminary Landscape Plan.** As part of the Preliminary Plan application package, the Applicant shall prepare a Preliminary Landscape Plan that shall include the following:
1. Proposed locations for all landscaping material, organic and inorganic, used on the site.
 2. Proposed plant materials, including size, species, and condition, and plans for retention of existing vegetation and materials.
 3. Location and design of all screening elements, berms, landforms, and stormwater management facilities.
- G. **Preliminary Drainage Control Plan.** As a part of the Preliminary Plan application package, the Applicant shall prepare a Preliminary Drainage Control Plan, using the approved Concept Plan submittal, that includes the following additional information:
1. Location
 - a. Information as required from Concept Plans.
 - b. City, County, State Highway and local roads within and adjacent to the site, or the area to be served by the drainage improvements.

- c. Names of surrounding developments.
- d. Name of receiving water(s).

2. Description of Property

- a. Information as required from Concept Plans.
- b. Existing ground cover (type and vegetation).
- c. Existing major irrigation facilities such as ditches and canals.

3. Major Basin Description

- a. Information as required from Concept Plans.
- b. Major basin drainage characteristics, and existing and planned land uses within the basin, as defined by the Town Engineer.
- c. Identification of all nearby irrigation facilities that will influence or be influenced by the local drainage.

4. Sub-Basin Description

- a. Describe historic drainage patterns of the Property.
- b. Describe offsite drainage flow patterns and impact on development under existing and fully developed basin conditions.

5. Drainage Facility Design Criteria

- a. Information as required from Concept Plans.
- b. How offsite runoff will be considered and how expected impacts will be addressed.
- c. Anticipated and proposed drainage patterns.
- d. Storm water quantity and quality management concept, including onsite stormwater management infrastructure, and how it will be employed. The use of computer-based models for the evaluation of storm water quality and quantity will not be universally required of new developments, although their use is recommended. Under site specific conditions where it is believed by the Town that impacts from the development may unacceptably impact downstream water quality or quantity however, their use may be required. The recommendation to use computer modeling during the evaluation process is made since it is likely that the review process will check the validity of the Developer's conclusions utilizing SEDIMOT or other appropriate computer technology.
- e. Maintenance and maintenance access.

- f. Describe the content of tables, charts, figures, plates, drawings and design calculations presented in the report.

6. Specific Details (Optional Information)

- a. Discussions of drainage problems, including storm water quality, and solutions at specific design points
- b. Discussion of detention storage and outlet design.
- c. Discussion of impacts of concentrating flow on downstream properties.

7. Public Drainage Improvements

- a. If the project requires that drainage improvements be constructed that will be turned over and owned and maintained by the Town, the following must also be provided, obtained, or completed: a Preliminary Plan and/or design of the Public Improvement.

8. References

- a. Reference all criteria, master plans, and technical information used in support of concept.

H. **Preliminary Snow Management Plan.** As a part of the Preliminary Plan application package, the Applicant shall prepare a Preliminary Drainage Snow Management Plan, using the approved Concept Plan submittal, that includes the following additional information:

- 1. Location and size of proposed snow storage areas.
- 2. Discussion of snow removal methods (with a list of required equipment) and annual management.

I. **Maps.** As a part of the Preliminary Plan application package, the Applicant shall prepare the following maps according to the following criteria:

- 1. General Location Map. The map shall show the following information and conform to the following standards.
 - a. All drawings shall be 22" x 34' in size.
 - b. Map shall provide sufficient detail to identify drainage flows entering and leaving the development and general drainage patterns.
 - c. Scale of 1" 500' to 1" = 4000' and show the path of all drainage from the upper end of any offsite basins to the defined major drainage ways.
 - d. Identify all major facilities (i.e., irrigation ditches, existing detention facilities, storm water quality facilities, culverts, storm sewers) downstream of the Property along the flow path to the nearest major drainage way.

- e. Basins, basin identification numbers, drainage divides, and topographic contours are to be included.
- f. Location of postal service gang boxes and pull-out area or parking delineated.

2. Floodplain Mapping:

- a. A copy of any published floodplain maps (i.e., flood hazard area delineation, flood insurance rate maps)
- b. All major drainage ways shall have the defined floodplain shown on the report drawings.
- c. Flood hazards from either shallow overland flow, side channels, or concentrated flows.
- d. The location of the Property in relation to the floodplain(s) and/or flood hazards.

3. Drainage Plan Mapping:

- a. Prepare at a scale of 1" = 20' to 1" = 200' on a 22" x 34" size drawing sheet.
- b. Existing topographic contours at 2-feet (or less) intervals, in mountainous areas, the maximum interval may be extended to 5 feet. Final plan approval 1-foot contour intervals shall be shown for areas of little relief. The contours shall extend a minimum of 100-feet beyond the Property lines.
- c. All existing drainage facilities within map limits including basin boundaries and sub-boundaries.
- d. Conceptual major drainage facilities including proposed storm water quality BMPs, snow storage areas, detention basins, storm sewers, swales, bioretention areas, porous pavement, wetland basins, or outlet structures.
- e. Any offsite feature including drainage that influences the development.
- f. Proposed drainage patterns and, if available, proposed contours.
- g. Legend to define map symbols.
- h. Project name, address, engineering firm and seal, and date the title block in lower right corner.
- i. North arrow, scale and available benchmark information and location for each benchmark.

J. **Supporting Documents.** The following documents which shall be prepared in accordance with applicable standards and shall be submitted in accordance with the

requirements of this Code, or any amendment thereto, with the required application fees. These documents shall be a draft copy of each document, which shall be reviewed, and the final copies will be submitted with the final documentation when application is made for Final Approval.

1. Draft copy of Articles of Incorporation and Bylaws of the Homeowners' Association;
2. Draft copy of Declaration of covenants, conditions, restrictions and management policies;
3. A copy of the Record of Survey filed with the County Surveyor's office of the proposed boundary of the overall development and/or phase. In the event that the development has multiple phases, the proposed plat shall show the recorded file number of the Record of Survey and/or paper copy of the survey;
4. A will-serve letter from any Special Service District and/or other appropriate agency, indicating the availability of water, water service, sewer service, electricity, natural gas, telephone service, high speed internet service, extended fire, extended police, schools, garbage collection and disposal, roads maintenance, trails maintenance, Open Space management, storm water detention, and other municipal type services;
5. A form of certification for each of the following (these are proposed certifications of what is intended to be placed on the plat:
 - a. Owner's dedications;
 - b. Surveyor's certificate of accuracy of survey;
 - c. Surveyor's approval

11.06.24 PRELIMINARY PLAN PROCEDURES AND SUBDIVISION IMPROVEMENT PLANS

- A. The Applicant shall submit the Preliminary Plan application package in Electronic Format to Town ~~Hall-Staff~~ along with required fees set forth in the Town's Fee Schedule. Up to five (5) hard copies of the Preliminary Plan application package may be requested by Town Staff.
- B. The Town Staff shall ensure all necessary documents and information are included with the application and then submit the application to the following entities:
 1. Town Administrator for validation of tax compliance;
 2. Town Engineer for engineering review;
 3. The Town Planner for planning/design review; and
 4. Wasatch County Fire District for review as provided for in this Code; and
 5. POST Committee for review of planned Parks, Trails, Open Spaces and Public

Spaces.

- C. The Town Administrator, Town Engineer, Town Planner, Fire District Representative, or POST Committee Representative may request reasonable additional information from the Applicant from time to time.
- D. Within thirty (30) business days of receiving ~~the a complete application, reports from~~ the Town Administrator, Town Planner, Town Engineer, and Fire District, shall submit reports to the Town Staff, and the Town Staff will review the application again for completeness and a letter will be sent if additional information is needed. If the application is complete, the Town Staff shall submit to the applicant a written review identifying any non-compliant portions of the application, excluding those pertaining directly to the Subdivision Improvement Plans within thirty (30) business days of receipt. If an application is deemed incomplete, the application automatically terminates sixty (60) days after written notice if the necessary components to complete the application have not been submitted. During the Preliminary Plan review process, the Town Staff may request reasonable additional information from the Applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the Town, it may contribute to a decision in the best interest of the Town.
- E. No later than forty (40) business days of receipt of a complete Preliminary Subdivision Application including the Subdivision Improvement Plans, the Town shall complete review of the Subdivision Improvement Plans and provide written comments to the applicant, including an index of requested modifications, deficiencies, or additions each of which shall include citations to ordinances, standards, or specifications (the "Review Log").
- F. Within forty (40) business days of receipt of the Review Log, the applicant shall respond in writing and identifying all revisions, modifications, or corrections including an index of requested modifications, deficiencies, or additions each of which shall include citations to ordinances, standards, specifications, and document locations (the "Correction Log"). The Correction Log shall address all items raised in the Review Log.
- E.G. Within forty (40) business days of receipt of the Correction Log, or sixty (60) business days in the event the Correction Log was received more than forty (40) business days after the Town sent the Review Log, the Town shall update the Review Log according to this Section and send to the applicant.
- F.H. When the Town Staff determines that the Preliminary Plan is ready for Planning Commission review, they will notify the Commission's Authority Representative and the Commission's Authority Representative will establish a date for a public hearing and initial presentation and review of the Preliminary Plan providing sufficient public notice as required under Section 11.06.06.
- G.I. The Planning Commission shall hold ~~one (1)~~ a public hearing on the Preliminary Plan application.
- H.J. After review of the Preliminary Plan at a public hearing, the Planning Commission shall recommend, reject, or recommend the Preliminary Plan with conditions, or may postpone action to allow the Applicant time to provide material or additional

information needed by the Planning Commission to then determine appropriate action. However, the public hearing may not be continued to a future date and there may be no more than one (1) public hearing.

~~K.~~ At such time that the Planning Commission determines that a ~~complete-compliant~~ application has been provided, the Planning Commission ~~will forward the application along with its recommendations to the Town Council~~ shall approve the preliminary subdivision application and forward the Preliminary Plan to the Town Planner for consideration associated with a Final Plat Application, provided however if any conditions are set forth by the Planning Commission, all such conditions must be met prior to application for final approval unless otherwise required by the Planning Commission.

Commented [A11]: planner

~~J.~~ The Mayor will establish a date for a public hearing that provides sufficient public notice as required under Section 11.06.06.

~~L.~~ The hearing before the Town Council will be held, and comments requested from the public at that time. If, after such hearing the Town Council approves the project, the project may then proceed to apply for Final Plat approval, provided however if any conditions are set forth by the Town Council, all such conditions must be met prior to application for final approval unless otherwise required by the Town Council.

~~M.~~ The approval of the Preliminary Plan shall be effective for a period of six (6) months from the date the Preliminary Plan is approved by the Planning Commission, at the end of which time the Applicant must have submitted a Final Plat for approval. If a Final Plat is not submitted for approval within the six (6) month period following approval, or as extended by the Planning Commission in writing, the Preliminary Plan shall be void, and the Applicant shall be required to submit a new Preliminary Plan for review and approval subject to the existing provisions of this Code. An approved Preliminary Plan does not authorize the applicant to begin any form of land disturbing activities.

11.06.26 FINAL PLAT APPLICATION

- A. A Final Plat application package is required for all proposed major and minor residential or commercial Subdivisions.
- B. A Final Plat application package includes a completed Final Plat application form, Final Plat, and all required plans, reports and supporting documents described herein that conform to the goals of the General Plan and the Town Code relating to the zone(s) governing the application. The Final Plat shall incorporate the criteria and requirements of the Building Code and other Town Standards.

11.06.26.01 FINAL PLAT APPLICATION PACKAGE

- A. **Final Plat.** The Final Plat consists of the final, signature-ready engineering drawing(s) prepared using spatial data that are drawn to a scale not smaller than one-inch equals one hundred feet (1" = 100') and that meet the minimum legal standards for survey as defined in Utah Code Annotated Section 17-23-20. The Final Plat must first evidence

Commented [A12]: Town Planner and Engineer - we may want to confirm the Preliminary and Final requirements are the same. Once the Subdivision Improvement Plans are approved in preliminary, they cannot be revised or reviewed for substantive compliance in final.

how the Final Plat conform to the Preliminary Plan and any conditions for preliminary approval. Using the criteria approved from the Preliminary Plan submittal, the Final Plat shall include the following additional information:

1. Information as required from Preliminary Plan.
2. Development phase number, if a phased project;
3. Lot lines, dimensions and area; adjacent lots and phases;
4. Topography (contours at 2-foot intervals) and site drainage plan which illustrate existing and proposed conditions;
5. Existing vegetation to remain on development and natural features of the land;
6. Soils testing and analysis. A letter of purpose will be prepared and submitted by a licensed geotechnical engineer that shall consider the findings of the sensitive lands study along with the project engineering, that will determine the type, frequency and nature of the geotechnical investigation and subsequent report. The purpose letter will also state what minimum requirements, with respect to geotechnical studies, will be imposed on the subdivided land prior to the issuing of building permits.
7. Utah Department of Transportation approval for access off state roads if applicable; approval as required of other state and federal agencies;
8. Final grading plans illustrating cut and fill limits and limits of disturbance;
9. Temporary construction erosion control plan and Dust Control Plan;
10. Final drainage plan illustrating methods of controlling runoff, directing water flow, and detention / retention areas;
11. Existing and proposed utilities including, fire hydrants, water and sewer lines, and storm sewer system; including plan and profile.
12. Location and elevation drawings of existing and proposed buildings, signs, dumpster and utility enclosures, fences and other structures;
13. A complete landscape plan including all plant proposed (number of each, size at time of planting, botanical/scientific name) and all additional landscape features such as retaining walls, stormwater basins, etc. Including all materials and scale noted;
14. Parking, access, and loading plan when applicable;
15. Lighting plan, including dark sky initiative;
16. Architectural concept plans;
17. Tabulation of ERUs, as established in accordance with the Town Standards.
18. For Condominiums, the Final Plat shall show the following additional information:

- a. All buildings;
- b. Private drives and parking areas;

- B. **Cluster Development Plan.** If a Cluster Development is being requested, additional requirements for Cluster Developments required under the Town Standards should be included.
- C. **Final Road Plan.** As a part of the Final Plat application package, the Applicant shall prepare a Final Road Plan, using the criteria approved from the Preliminary Plan submittal, that includes:
1. Street names within Subdivision as proposed by the developer shall be approved by the Planning Commission and must also be approved by Wasatch County.
 2. Final design of the Public Improvement that includes the location of all roads, curb, gutter, sidewalks, walkways, driveways, off-site parking or other impervious surfaces.
 3. The conclusions and findings that shall support the Criteria used for the design and the final design.
 4. A soils report that supports all specified section profiles and specified soil/aggregate materials.
 5. Information required for the plans shall be in accordance with sound engineering principles, the technical provisions of any Town manuals (where appropriate), these criteria and other applicable Town ordinances, regulations, criteria or design guidelines.
 6. The plans shall be signed and sealed by a Professional Engineer registered in the state of Utah.
 7. The plans shall reference all criteria and technical information used.
 8. Appendices should include all backup and supporting materials.
 9. The plans may be subject to review by outside agencies.
- D. **Final Traffic Impact Study.** A final traffic study and or report prepared and signed by a licensed engineer that practices in the field of transportation.
- E. **Final Evacuation Plan.** As part of the Final Plan application package, the Applicant shall prepare a final Evacuation Plan that includes: procedures for the orderly and coordinated evacuation operations for the proposed development in the event of an earthquake, wildfire, flooding, or other natural or manmade disasters. The Plan shall outline in detail warning procedures: to be used for evacuations, to identify primary evacuation routes and shelter resources, to identify procedures for the security of the perimeter during and after the evacuation; and to identify procedures for allowing evacuees to return to their homes.

- F. **Final Landscape Plan.** As part of the Final Plat application package, the Applicant shall prepare a Final Landscape Plan, including ongoing maintenance plan. Landscaping shall follow guidelines and setback requirements set forth the Town Standards for the designated zone. Using the approved Preliminary Plan submittal, the Final Landscape Plan shall include the following additional information:
1. Revised locations, if any, for all landscaping material, organic and inorganic, used on the site.
 2. Planting plan, including location of all materials, size, and scientific and common name of each material. The planting plan includes the location and type of all ground covers, including non-living materials, and all other landscape features and structures.
 3. Grading plan showing berms, landforms, and stormwater management facilities.
 4. An irrigation plan, irrigation detail plan and corresponding sheet of irrigation construction notes shall be provided indicating the layout and details of the irrigation system including the type and location of all materials utilized.
 5. A development obligation statement that establishes the responsibility of the Developer to install landscaping and irrigation according to these regulations.
 6. A maintenance obligation statement, signed by the Applicant, defining responsibility for ongoing maintenance of specific areas, including public rights-of-way, private on-site improvements, and stormwater management facilities.
- G. **Final Drainage Control Plan.** As a part of the Final Plat application package, the Applicant shall prepare a Final Drainage Control Plan. The Town Engineer may require use of computer- based models for the evaluation of storm water quality and quantity for new developments. Under site specific conditions where it is believed by the Town that impacts from the development may unacceptably impact downstream water quality or quantity however, their use may be required. The recommendation to use computer modeling during the evaluation process is made since it is likely that the review process will check the validity of the Developer's conclusions utilizing SEDIMOT or other appropriate computer technology. The information required for the plan shall be in accordance with sound engineering principles, the technical provisions of any Town manuals (where appropriate), these criteria, and other applicable Town ordinances, regulations, criteria or design guidelines. The plan may also be subject to review by outside agencies such as JTAC, Federal Emergency Management Agency, U.S. Army Corps of Engineers, Environmental Protection Agency, Utah Water, or other agencies as required. Using the Preliminary Control Plan approval, the Final Drainage Control Plan shall include the following additional information:
1. Cover letter presenting the design for review prepared or supervised by a Professional Engineer licensed in the State of Utah with certification that reads as follows:
 - a. "This report for the drainage design of (name of development) was

prepared by me (or under my direct supervision) in accordance with the J provisions of the storm drainage design and technical criteria and was designed to comply with the provisions thereof. I understand that the Town of Hideout does not and will not assume liability for drainage facilities design."

Registered
Professional
Engineer State of
Utah No. _____ (Affix Seal)

2. General Location and Description.
 - a. Information as required from Preliminary Plans.
 - b. Local roads within the adjacent to the Subdivision.
 - c. Easements within and adjacent to the site.
3. Description of Property
 - a. Information as required from Preliminary Plans.
 - b. General project description.
 - c. General soil conditions, topography, and slope.
4. Major Basin Description
 - a. Information as required from Preliminary Plans.
 - b. Identification of all irrigation facilities within the basin that will influence or be influenced by proposed site drainage.
5. Previous Studies and Specific Site Constraints
 - a. Previous drainage studies (i.e., project master plans) for the site that influence or are influenced by the drainage design and how implementation of the plan will affect drainage and storm water quality for the site.
 - b. Potential impacts identified from adjacent drainage studies.
 - c. Drainage impacts of site constraints such as roads, utilities, transit ways, existing structures, and development or site plan.
6. Hydrologic Criteria
 - a. Design storm rainfall and its return period(s).
 - b. Runoff calculation method(s).

- c. Detention discharge and storage calculation method(s).
- d. Discussion and justification of other criteria or calculation methods used that are not presented in or referenced by the CRITERIA.

7. Hydraulic Criteria

- a. Identify various capacity references.
- b. Discussion of other drainage facility design criteria used that are not presented in these criteria.

8. Storm water Quality Criteria

- a. BMPs to be used for storm water quality control.
- b. Identify, as appropriate, water-quality capture volume and drain time for extended-detention basins, retention ponds and constructed wetland basins.
- c. Identify, as appropriate, runoff volume and flow rates for design of water-quality swales, bioretention areas, porous pavement, wetland basins, etc.
- d. Discussion of other drainage facility design criteria used that are not presented in these CRITERIA or other manuals referenced by the Town of Hideout.

9. Waivers from Criteria

- a. Identify provisions by section number for which a waiver is requested.
- b. Provide justification for each waiver requested.

10. Drainage Facility Design Discuss the following:

- a. Proposed concept, onsite stormwater management infrastructure, and typical drainage patterns
- b. Compliance with offsite runoff considerations.
- c. Anticipated and proposed drainage patterns.
- d. Proposed storm water quality management strategy.
- e. The content of tables, charts, figures, plates, or drawings presented in the report.
- f. Drainage problems encountered and solutions at specific design points.
- g. Detention storage and outlet design.
- h. Storm water quality BMPs to be used.
- i. Maintenance access and aspects of the design.

- j. Easements and tracts for drainage purposes, including the conditions and limitations for use.

11. Stormwater Maintenance Agreement

12. Conclusions

13. References

- a. Reference all criteria and technical information used.

14. Appendices

- a. Hydrologic Computations (Including computer model input and output listings.)
- b. Land use assumptions regarding adjacent properties.
- c. Initial and major storm runoff at specific design points.
- d. Historic and fully developed runoff computations at specific design points.
- e. Hydrographs at critical design points.
- f. Time of concentration and runoff coefficients for each basin.
- g. Storm water quality BMP sizing calculations including runoff adjustments for minimizing directly connected impervious areas.
- h. Hydraulic Computations (Including computer model input and output listings.)
 - i. Culvert capacities.
 - j. Storm sewer capacity, including energy grade line (EGL) and hydraulic grade line (HGL) elevations.
 - k. Gutter capacity as compared to allowable capacity.
 - l. Storm inlet capacity including inlet control rating at connection to storm sewer.
- m. Open channel design.
- n. Check and/or channel drop design.
- o. Detention area/volume capacity and outlet capacity calculations for flood detention and water quality basins; depths of detention basins.
- p. Wetland area and area/depth distribution for constructed wetland basins.
- q. Infiltration rates and volumes for porous pavement or release rates where under drains or infiltration is not possible.
- r. Flow rates, velocities, longitudinal slopes and cross-sections for

wetland basins and water quality swales.

s. Downstream/outfall system capacity to the Major Drainage way System.

H. **Final Snow Management Plan.** As a part of the Final Plat application package, the Applicant shall prepare a Snow Management Plan, using the criteria approved from the Preliminary Plan submittal, that includes:

1. Location and capacity of snow storage areas based on 5-year snow average
2. Detailed discussion of snow removal methods and annual management.

I. **Maps.** As a part of the Final Plat application package, the Applicant shall prepare the following maps according to the following criteria:

1. General Location Map – Shall include all items as identified for the Preliminary Plan.
2. Floodplain Mapping – Shall include all items as identified for the Preliminary Plan.
3. Drainage Plan Mapping – In addition to those items identified for the development of the Preliminary Plan, Drainage mapping shall include the following:
 - a. Property lines, existing Easements, and Easements proposed for dedication, with purposes noted.
 - b. Roads, indicating ROW width, flow line width, curb or roadside swale type, sidewalk, and approximate slopes.
 - c. Existing drainage facilities and structures, including irrigation ditches, roadside ditches, cross pans, drainage ways, gutter flow directions, and culverts. Also show pertinent information such as material, size, shape, slope and locations.
 - d. Proposed type of road drainage (i.e., vertical or combination curb and gutter), roadside ditch or swale, gutter, slope and flow directions, and cross pans.
 - e. Proposed storm sewers and open drainage ways, including inlets, manholes, culverts, and other appurtenances, including riprap or other erosion protection.
 - f. Proposed structural water-quality BMPs, their location, sizing, and design information.
 - g. Proposed outfall point(s) for runoff from the developed area and, if required, facilities to convey flows to the final outfall point without damage to downstream properties.
 - h. Routing and accumulation of flows at various critical points for the

- initial and water-quality storm runoff events, and major storm runoff events.
- i. Volumes and release rates for detention storage and water-quality capture volume for facilities and information on outlet works.
- j. Location and water surface profiles or elevations of all previously defined floodplains affecting the Property. If floodplains have not been previously published, they shall be defined and shown on the drainage plan.
- k. Location, and measured or estimated elevations, of all existing and proposed utilities affected by or affecting the drainage design.
- l. Routing of upstream offsite drainage flow through or around the development.
- m. Location of any improvements included in the appropriate or accepted outfall system plan, major drainage plan, and/or storm drainage plan.
- n. Definition of flow path leaving the development through the downstream properties ending at a major drainage way or receiving water.
- o. Location of postal service gang boxes and pull-out area or parking delineated.

J. Final Documentation. The following official documents prepared in a manner that will fully present information:

1. Articles of Incorporation and Bylaws of the Association;
2. Declaration of covenants, conditions, restrictions, and management policies;
3. An information brochure (prepared in accordance with applicable standards) for use in the sales program to inform all home buyers in simple terms about the Homeowners Association and the rights and obligations of lot Owners;
4. A final form of certification for each of the following (these are the certifications intended to be placed on the plat):
 - a. Owner's dedications;
 - b. Surveyor's certificate of accuracy of survey;
 - c. Surveyor's approval;
 - d. Notary Public's acknowledgement
5. The Design Review Guidelines governing building design within the development
6. Geotechnical Studies required prior to the issuing of a building permit within

the development

7. For Condominiums to following documentation is required:
 - a. Required assessments;
 - b. Designation of commonly owned Property;
 - c. Necessary dedication statement;
 - d. Statement concerning the formation of a Homeowners Association for the maintenance of the commonly owned Property; and
 - e. Necessary certifications and approvals.
 - f. A registered architect or engineer shall certify the Final Plat.
8. Proof of Completion Bond and Warranty Bond required under the Town Standards.
9. Trails location approval letter by the POST Committee.

11.06.28 FINAL PLAT PROCEDURES

- A. The Applicant shall submit the Final Plat application package in Electronic Format to the Town Hall along with required fees. Up to five (5) hard copies of the Final Plat application package may be requested by the Town Staff.
- B. The Town Staff shall ensure all necessary documents and information are included with the application and then submit the application to the following entities:
 1. Town Administrator for validation of tax compliance;
 2. Town Engineer for engineering review;
 3. Town Planner for planning/design review; and
 4. Fire District for review; and
 5. POST Committee for review of planned Parks, Trails, Open Spaces and Public Spaces.
- C. The Town Administrator, Town Engineer, Town Planner, Fire District Representative or POST Committee Representative may request reasonable additional information from the Applicant from time to time.
- D. Within thirty (30) days of receiving the reports from the Town Administrator, Town Planner, Town Engineer, and Fire District, the Town Staff will review the application again for completeness and a letter will be sent if additional information is needed. During the Final Plat review process, the Town Staff may request reasonable additional information from the Applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the Town, it may contribute to a decision in the best interest of the Town.

- ~~E. When the Town Staff determines that the Final Plat is complete, Town Staff shall submit the Final Plat to the Town Planner for review and approval. ready for Planning Commission review, they will notify the Commission's Authority Representative and the Commission's Authority Representative will establish a date for a public hearing and initial presentation and review of the Final Plat providing sufficient public notice as required under Section 11.06.06.~~
- ~~F. The Planning Commission shall hold a public hearing on the Final Plat application.~~
- ~~G. After review of the Final Plat at a public hearing, the Planning Commission shall recommend, reject, or recommend the Final Plat with conditions, or may postpone action to allow the Applicant time to provide material or additional information needed by the Planning Commission to then determine appropriate action.~~
- ~~H. At such time that the Planning Commission determines that a complete application has been provided, the Planning Commission will forward the application along with its recommendations to the Town Council.~~
- ~~I.E. The Town Council will establish a date for a public hearing that provides sufficient public notice as required under Section 11.06.06.~~
- ~~J.F. The hearing before the Town Council will be held, and comments requested from the public at that time. After such hearing the Town Council will vote to either approve the projects without conditions, approve the project with conditions or to not approve the project. The Town Administrator/Planner shall confer with Town Engineer, Town Planner/Administrator, Fire District Representative or POST Committee Representative prior to issuing any final determination or approval.~~

Commented [A13]: planner

Commented [A14]: administrator

11.06.30 RECORDING OF THE PLAT

Final Plat Recordation. After gaining final approval, a Final Plat shall be prepared on reproducible Mylar drawn in accordance with the Town Standards at a scale not smaller than one inch equals one hundred feet (1" = 100') that meet the minimum legal standards for survey as defined in Utah Code Annotated section 17-23-20, and shall show the following:

- A. Boundaries of the development and location of all required survey monuments; and
- B. Location of all lot lines; and
- C. Location and extent of all road and other parcels of land to be dedicated to the public and to be retained in private Ownership; and
- D. Location and extent of all Easements; and
- E. The certifications previously proposed and approved as part of the Final Documentation provided; and
- F. The following Signature Blocks:
 1. Required
 - a. Surveyors Certificate

- b. Owner's Dedication, Lien Holder, and Acknowledgement
- c. Administrative Approval: Mayor and Attestation
- d. Planning Commission Chair
- e. Town Attorney
- f. Town Engineer
- g. Wasatch County Surveyor
- h. Wasatch County Recorder

2. Optional (to be included based on the circumstances indicated):

- a. Jordanelle Special Services District (when services are directly provided to the subdivision by JSSD)
- b. Wasatch County Housing Authority (when the subdivision contains an Affordable Housing component)

11.06.32 NO SALE OF LOTS UNTIL PLAT RECORDATION

Lot(s), in a Subdivision may not be sold until after the plat has been recorded.

11.06.34 WITHDRAWAL OF APPLICATION

An Applicant may withdraw a land use application at any time prior to a land use authority decision on the application. Application fees set forth ~~the~~ in Section 11.06.14 ~~shall~~ may not be refundable. Any unused Actual Cost Fees set forth in Section 11.06.14 will be refunded.

11.06.36 EXPIRATION AND REVOCATION OF FINAL PLAT AND PERMITS

All expirations and revocations are automatic except at the discretion of the Town Council. Any exceptions or extensions granted by the Town Council must be in writing. Any remediation of the Property will be paid for from the posted Completion Bond required under the Town Standards. The Final Plat shall expire and be subject to revocation if the Final Plat is not recorded within six (6) months from the date of approval. The Town Council may grant a one-time extension to the recording of the Final Plat not exceeding six (6) months; ~~provided~~; that the Developer submits the request for extension prior to expiration of the Final Plat and satisfies any new Town requirements pertaining to the public health, safety and welfare. Further, and in addition to any remedies available to the Town and any other requirements associated with the grading permits, building permits, or permits for development, the following circumstances shall be grounds for the expiration and revocation of any grading permit, building permit, or other permit granted for the development on the Final Plat.

- A. **Failure to Timely Complete Grading.** If grading is not completed within one (1) year after the issuance of a grading permit unless an extension (not to exceed six [6] months)

Commented [A15]: As this action is not related to the approval of the plat, it may be acceptable to leave with the Council.

is granted by the Town Council.

- B. **Failure to Timely Complete Building.** If construction of a building or other improvement is not complete within two (2) years after the issuance of a building permit unless an extension (not to exceed six [6] months) is granted by the Town Council.
- C. **Abandonment.** If development, including grading, construction, etc., ceases for a continuous period for more than six (6) months after the start of development activities unless the Town Council approves the cessation of work.
- D. **Violations.** If there is a violation of any local, federal, or state regulations, including the Town Code and other Town Standards which the permit holder fails to remedy within thirty (30) days after receiving written notice of the violation.

11.06.38 REAPPLICATION FOLLOWING APPLICATION DENIAL

If a land use application is denied for failure to meet the requirements of the Town Code or other Town Standards, a land use application from the same Applicant for all or any part of the same Property shall not be considered for a period of at least one (1) year from the date of denial, unless the prior denial was based upon a mistake of fact, or on a motion duly passed by the Town Council to act immediately and identifying a valid public purpose.

11.08 DEVELOPMENT AGREEMENTS

11.08.02 PURPOSE

The Developer/ Owner and the Town of Hideout may enter into a Development Agreement that outlines the duties, responsibilities, obligations, commitments and promises of the Developer/ Owner and the commitments of the Town.

11.08.04 GENERAL REQUIREMENTS

- A. The Development Agreement may include residential Cluster Development as outlined in the Town Standards.
- B. The Development Agreement shall be prepared by the Town Attorney and shall incorporate all agreements between the parties relating to the development which the subject of the Development Agreement.
- C. If a Development Agreement is required as a condition of Final Plat approval, the Development Agreement must be approved prior to the Mayor's signature on the Final Plat.
- D. If the Developer is including parks, Open Space, clubhouses and/or trail improvements within a development, the Development Agreement shall include proposed phasing and terms of completion of these improvements.
- E. Any special agreements, conveyances, restrictions or covenants which govern the use, maintenance and continued protection of common areas shall be included in the

Development Agreement.

- F. The Development Agreement may provide limitations on the number of building permits issued and/or phases of the project to be approved subject to the completion of the improvements.
- G. The Development Agreement for phased Subdivisions shall incorporate the phased Subdivision master plan.
- H. The Development Agreement shall include all required improvements and bonds guaranteeing Subdivision construction as outlined in the Town Code, as well as a schedule for implementation.
- I. If the development is a phased Subdivision, the Development Agreement shall specify all conditions and requirements that must be met in order to protect and maintain a vested approval for all subsequent phases. For example, the Town may impose as a condition precedent to final approval of subsequent phases, the availability and access to water and sewer services and source sufficient to accommodate the subsequent phases.

11.08.06 DEVELOPMENT AGREEMENT APPROVAL

Approval of The a Development Agreement is a legislative action and shall be approved by the Town Council and signed by the Mayor.

11.08.08 DEVELOPMENT AGREEMENT RECORDING

The Development Agreement shall be recorded in the Wasatch County Recorder's office. Recordation by the Town shall only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees posted. The Development Agreement must be recorded prior to the recording of the Final Plat.

11.08.10 DEVELOPMENT AGREEMENT REQUIRED FOR PHASED DEVELOPMENT

If any requirement of this Title or the applicable standards is proposed to be satisfied by relation to or incorporation of components of another phase or related development, the applicant shall enter into a development agreement with the Town governing the applicable phases or related development or otherwise modify the application to satisfy all requirements independently.

HIDEOUT PLANNING COMMISSION MEETING STAFF REPORT



Meeting Date: October 17, 2024
Applicant: Hideout Town Council
Planner: Jay L. Springer, Attorney
Project Type: Subdivision Ordinance Text Amendment
Areas Affected: All of the Town of Hideout

SUBJECT: Proposed amendment to the Municipal Code of Hideout, Title 3 Planning Commission and Administrative Law Judge, Title 10 Building and Development Standards, Title 11 Subdivision Regulations, and Title 12 Zoning Regulations to comply with review timeframes, review cycle limits, land use authority designations and other amendments mandated by Senate Bill 174 (2023) (SB 174) and House Bill 476 (2024) (HB 476), including a Public Hearing.

RECOMMENDATION: Recommend approval of the redlined amendments to Titles 3, 10, 11, and 12 including any direct changes to text from the Planning Commission, broad concepts the Planning Commission would like the Council to consider in more depth, and subject to technical and nonsubstantive review from staff and legal counsel.

SUMMARY & BACKGROUND

In 2023 and 2024, the Utah State Legislature adopted SB 174 and HB 476, which amend and establish various land use and development requirements for municipalities and counties, including subdivision review procedures. The “effective date” of the amended subdivision review procedures for SB 174 is December 31, 2024 for small towns (fewer than 5,000 residents). SB 174 includes sweeping changes and definitional changes that previously were not imposed on municipalities. HB 476 includes both practical and definitional changes.

Legislative Mandate:

The primary effects of Senate Bill 174 are:

- Requires cities and counties to identify an administrative land use authority for subdivision review and preliminary subdivision application approval for single-family dwellings, two-family dwellings, and townhomes;
- Prohibits city and county councils from acting as an administrative land use authority for subdivision plats or plat amendments—except for plat amendments or vacations that seek to reduce or remove dedicated public rights-of-way;
- Establishes subdivision review procedures for cities and counties, including defining review cycles and permitted requests, and establishes timelines and noticing requirements;
- Requires that a pre-application meeting be available to any interested applicant; and

- Requires certain administrative and processing standards be made publicly available on the municipal website.

The primary effects of House Bill 476 are:

- Establishes that a subdivision improvement plan may be submitted with either a preliminary or final subdivision application but may not be required for both;
- Clarifies that a municipality may not require more than four review cycles for a subdivision improvement plan review and this applies to either the preliminary or final stage of the process depending on when the municipality requires a subdivision improvement plan be submitted;
- Establishes that a municipality may not engage in a substantive review outside the review cycle; and
- Adjusts the timelines for application review to include additional days for municipalities with a population of 5,000 or less.

Review Procedure and Criteria:

The Hideout Town Council is the legislative authority for the subdivision and related ordinances text amendments. The Council cannot amend the ordinances without first submitting the amendment to the Hideout Town Planning Commission for the Planning Commission's recommendation. The Planning Commission must hold a public hearing, review the proposed revisions, and recommend an action to the Council. The Council must then hold a public meeting after which it may adopt, adopt with revisions, or reject the proposed text amendments recommended by the Planning Commission.

A text amendment can be approved if it is reasonably debatable that the decision could promote the public welfare. It is not necessary to show that the decision actually promotes the public welfare, or is the best alternative, as long as it is reasonably debatable that the public could benefit from the decision. Similarly, a text amendment can be denied if it is reasonably debatable that the decision could detrimentally impact the public welfare.

Subdivision Ordinance Update | SB 174 (2023) | HB 476 (2024)
Questionnaire for Optional Decisions for Municipalities
Smith Hartvigsen, July 2024

Main Policy Decisions for Subdivision Procedures

Completion of Subdivision Application

- Do you want to implement a time limit for determining whether a subdivision application is complete?¹
- Who is responsible for determining whether an application is complete?

Subdivision Improvement Plans

- Do you want to require the subdivision improvement plan to be submitted with a subdivision application? If yes, is it required with preliminary or final application?
- Do you want to have discretion to restart the application process for the portion substantially affected by a material change in the subdivision improvement plan?²

Preliminary Approvals

- Who is the administrative land use authority (ALUA) for preliminary approvals?
- Do you want to consider the preliminary approval in a public meeting? (optional unless ALUA is PC)
- Do you want to hold (one) public hearing on preliminary approvals or keep preliminary approvals as an administrative function?³
- Do you want to permit concurrent review of the preliminary and final applications?⁴

Final Approvals

- Who is responsible for final approval?⁵

Applied to Subdivisions Specifically

- What other subdivision types (besides the required single-family, duplex, and townhome subdivisions) do you want this new process to apply to?⁶
- Do you want a different process for minor subdivisions? If so, determine the maximum number of lots (10 or fewer) and if you want a different land use authority.⁷

¹ We recommend a relatively short time period because the completeness timer starts from the time you **receive** the application. This timeline can be code, policy, or informal goal. The deadline to complete the initial review **may** land before the administrative land use authority's next scheduled meeting. The city may still provide comments to the applicant through staff before the administrative land use authority makes a decision on the preliminary application. However, because any change or correction not raised at any review stage is waived, the administrative land use authority would not be able to add its own comments to the review cycle if not already covered by staff comments.

² Your time limits to review complete subdivision application shall be for: Initial review: no later than 15 days for pop. over 5,000 and no later than 30 days for pop. 5,000 or less; Final review with subdivision improvement plan: within 20 days for pop. over 5,000 and within 40 days for pop. 5,000 or less; Revised Plan: within 20 days/40 days to complete review. If revisions come in late, City or Town gets additional 20 days. [The timelines are unclear if subdivision improvement plans are submitted at initial review. Presumably it is still 15/30]. See 10-9a-604.2.

³ Residential subdivision preliminary approvals can be entirely administrative.

⁴ Not recommended, especially with 2024 clarifications.

⁵ Options: staff, director, administrative land use authority, assuming the ALUA is not the planning commission, etc., but cannot be the city council.

⁶ Examples: multifamily or commercial.

⁷ The process itself still must comply with SB 174, but the requirements may be different.

Additional Considerations⁸

Development Agreements

- Do you want to permit a phasing sequence in a development agreement that will effectively allow you to address development issues across multiple phases at once instead of individually by phase?⁹
- Do you want to expand the terms that may be included in a development agreement?¹⁰
- If applicant applies for legislative or discretionary approval when developing land, do you want to require a development agreement as a condition for developing land?¹¹

Technical Review and Subdivision Improvements

- Do you want to withhold building permits for enforcement purposes?¹²
- Do you want to withhold certificates of occupancy for incomplete public sidewalks?¹³
- Do you plan to, at least sometimes, require additional information beyond the published checklists (preliminary and final) to ensure compliance with your ordinances and standards for public improvements?

Document Recording Against Property

- Do you want to record any documents against the property so long as the documents do not impose development requirements, regulations, or controls on the property?¹⁴

Other

- Do you need an overpressure (accidental explosion protection) zone ordinance?¹⁵
- Do you want to require a seller of a newly constructed residence to inform the first buyer of the municipal ordinance that requires water wise landscaping?¹⁶

Drafting Preference

- Do you want to update your terminology to mirror State definitions or just modify your terminology to comply?¹⁷

⁸ Many of these topics warrant their own separate discussions, if applicable and desirable.

⁹ This is the only viable way to address development issues across multiple phases together. Otherwise, each phase must be considered independently as if it were a complete separate application.

¹⁰ Options include: a master planned development; a planned unit development; an annexation; affordable or moderate-income housing with development incentives; a public-private partnership; or a density transfer or bonus within a development project or between development projects. Utah Code Ann. Subsection 10-9a-532(1).

¹¹ The approval could relate to structure height, parking or setback exception, density transfer or bonus, development incentive, zone change, or amendment to the prior development agreement. Utah Code Ann. Subsection 10-9a-532(2)(d).

¹² You must meet new specific statutory limitations on private landscaping and public sidewalks.

¹³ There are limits on this: only applies to public sidewalk in a portion of a public right-of-way and located immediately adjacent to single-family, two-family, or townhome residential structures.

¹⁴ Consider recordation of: a fully executed development agreement; a document related to code enforcement, special assessment area, a local historic district boundary; or the memorialization or enforcement of an agreed upon restriction, incentive, or covenant.

¹⁵ This is a narrow exception that could apply to your city or town. Utah Code Ann. 10-9a-534(3)(i)

¹⁶ Optional, but it conforms with the legislature's interest in private water usage and municipal general plans.

¹⁷ "Subdivision improvement plans," "subdivision infrastructure," and "subdivision plan review" were defined and used differently in HB 476. See Utah Code Ann. Subsection 10-9a-604.2(1).

COMPARISON OF S.B. 174 (2023) AND H.B. 476 (2024)

H.B. 476 (2024) effective in Utah’s code November 1, 2024.

Utah Code Ann. Section 10-9a-604.2 (and its sister for counties), enacted by SB 174 (2023) was modified by HB 476 (2024)

	S.B. 174 (2023)	H.B. 476 (2024)
Application Name	Subdivision <u>land use</u> application	Subdivision application – means a land use application for the subdivision of land.
Subdivision ordinance review	Means review by a municipality to verify that a subdivision <u>land use</u> application meets the criteria of the municipality’s <u>subdivision</u> ordinances.	Means review by a municipality to verify that a subdivision application meets the criteria of the municipality’s ordinances.
Subdivision improvement plan	Initial review of the preliminary application includes subdivision improvement plans. If the municipality has not responded within 20 business days on the fourth or final review, the property owner can request an assembly of an appeal panel for disputes “arising from the subdivision improvement plans.”	May be required to be submitted with either a preliminary or final subdivision application but may not be required for both.
Review Cycle Requirements	“A municipality may not require more than four review cycles.”	“A municipality may not require more than four review cycles <u>for a subdivision improvement plan review.</u> ” Applies to either preliminary or final → whichever stage the municipality/county requires a subdivision improvement plan be submitted.
Limitations on substantive review.	n/a	Outside review cycle.
Timeline for initial application review.	15 days	15 days → population over 5,000 30 days → population 5,000 or less
Timeline for final/complete application review.	20 days	Within 20 days → population over 5,000 Within 40 days → population 5,000 or less (or municipality has an additional 20 days to respond)
Timeline for applicant’s revised subdivision improvement plan.	20 days (or municipality shall have an additional 20 business days to respond)	20 days → population over 5,000 40 days → population 5,000 or less (or municipality has an additional 20 days to respond)

COMPLIANCE WITH H.B. 476 (SUBDIVISION CODE)		
STEPS	CODE	CHECKBOX
<p>Pre-application Meeting (at applicant’s request).</p> <ul style="list-style-type: none"> • Must be scheduled within 15 business days after request. • At meeting, Municipal staff must provide/make available: <ol style="list-style-type: none"> (1) Copies of applicable land use regulations (2) A complete list of standards required for the project; (3) Preliminary and final application checklists; and (4) Feedback on concept plan. 	§ 10-9a-604.1	
<p>Preliminary Subdivision Application</p> <ul style="list-style-type: none"> • Review may occur at a public meeting or at the municipal staff level. • If to subdivide land, public comment and no more than one public hearing may occur. • A municipality may require a <u>subdivision improvement plan</u> to be submitted with either a preliminary or final subdivision plan (if required with preliminary application, “<u>Review Cycle</u>” requirements apply to review of preliminary application). • If complies with all applicable municipal ordinances and requirements of [Section 10], then the preliminary subdivision application <u>shall</u> be approved. 	§ 10-9a-604.1 § 10-9a-604.2	
<p>Final Subdivision Application</p> <ul style="list-style-type: none"> • May permit concurrent processing of final subdivision plat application with preliminary subdivision plat application; and may not require planning commission or city council approval. • If subdivision improvement plan was required in preliminary subdivision application, municipality cannot require subdivision improvement plan with final subdivision application (if required with final application, “<u>Review Cycle</u>” requirements apply to review of final application). • If complies with all applicable ordinances and requirements, a municipality <u>shall</u> approve the application. 	§ 10-9a-604.1 § 10-9a-604.2	
<p>Review Cycle</p> <ul style="list-style-type: none"> • “A municipality may not require more than four review cycles for a subdivision improvement plan review.” • "Review cycle" means the occurrence of: <ol style="list-style-type: none"> (i) the applicant's submittal of a complete subdivision application; (ii) the municipality's review of that subdivision application; (iii) the municipality's response to that subdivision application, in accordance with this section; and 	§ 10-9a-604.2	

<p>(iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.</p> <ul style="list-style-type: none"> Review cycle requirements apply for either the preliminary or final review depending on when the municipality required a subdivision improvement plan. Review cycle requirements do not allow for a municipality to “engage in a substantive review of required infrastructure improvements or a municipally controlled utility” outside the review cycle. Review cycle requirements do not apply “with the review of subdivision applications affecting property within identified geological hazard areas.” During review, the municipality may request additional information or modifications, but such request must be accompanied by relevant citations to ordinances, standards or specifications. 		
<p>Initial Review of a Complete Subdivision Application for Ordinance Review for a Residential Subdivision for Single-Family Dwellings, Two-Family Dwellings, or Town Homes</p> <ul style="list-style-type: none"> No later than <u>15 business days</u> if municipal population is over 5,000. No later than <u>30 business days</u> if municipal population is 5,000 or less. 	§ 10-9a-604.2	
<p>Maintenance and Publication of Items Comprising the Complete Subdivision Application</p> <ul style="list-style-type: none"> Includes: <ul style="list-style-type: none"> (i) the application; (ii) the owner's affidavit; (iii) an electronic copy of all plans in PDF format; (iv) the preliminary subdivision plat drawings; and (v) a breakdown of fees due upon approval of the application. 	§ 10-9a-604.2	
<p>Subdivision Plan Review of a Subdivision Improvement Plan Submitted with Complete Subdivision Application for a Residential Subdivision for Single-Family Dwellings, Two-Family Dwellings, or Town Homes</p> <ul style="list-style-type: none"> Within 20 business days after complete application is submitted if municipal population is over 5,000 Within 40 business days after the complete application is submitted, if municipal population is 5,000 or less. Unless otherwise required, a change or correction not addressed or referenced in a municipality’s subdivision improvement plan review is waived. Should the applicant make a material change to subdivision improvement plan, the municipality may restart the review process at the first review for the portion that the material change affects. 	§ 10-9a-604.2	
<p>Modification and Corrections</p> <ul style="list-style-type: none"> Should the municipality require modifications or corrections the applicant has: <ul style="list-style-type: none"> - 20 business days to submit a revised subdivision improvement plan if municipal population is over 5,000; or 	§ 10-9a-604.2	

<ul style="list-style-type: none"> - 40 business days to submit a revised subdivision improvement plan if municipal population is 5,000 or less • Should the applicant not submit a revised subdivision improvement plan within this timeframe, the municipality will have an additional 20 days to review the subdivision plan. 		
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Other Updates with H.B. 476:

1. 10-2-403
 - a. (3)(b)(ii)(C) – Annexation of an unincorporated area into a municipality now requires the signature of all the publicly owned real property, or the owners of private real property that “covers 100% of all of the private land area within the area proposed for annexation if the area is within a migratory bird production area created under Title 23A, Chapter 13, Migratory Bird Production Area”
2. 10-9a-509
 - a. A municipality shall accept and process a land use application unless a phasing sequence is required in an executed development agreement.
3. 10-9a-532
 - a. Adds terms for a development agreement including: a master planned development; a planned unit development; an annexation; affordable or moderate income housing with development incentives; a public-private partnership; or a density transfer or bonus within a development project or between development projects.
 - b. Removes disclosure requirement for development agreement restricting applicant’s rights.
 - c. Removes restriction on not allowing a development agreement as a condition.
 - d. Allows a municipality to require a development agreement if the applicant has applied for legislative or discretionary approval for: height of structure, parking/setback exception; density transfer/bonus; development incentive; zone change; amendment to prior development agreement.
 - e. Disallows a municipality from requiring a development agreement when:
 - i. The development otherwise complies with law;
 - ii. Is an allowed or permitted use; or
 - iii. Land use regulations establish applicable standards.
 - f. Municipality may record with recorder’s office:
 1. Fully executed agreements; or
 2. A document related to
 - a. Code enforcement;

- b. A special assessment area;
 - c. A local historic district boundary; or
 - d. Memorialization or enforcement of agreed upon restrictions, incentives, or covenants.
 - g. However, a municipality cannot record development requirements, regulations, or controls against private real property subject to the above section.
- 4. 10-9a-534
 - a. Building design requirements can be imposed by a municipality to mitigate the impacts of an accidental explosion (detailing explosion size).
- 5. 10-9a-536
 - a. Municipality may require the seller of a newly constructed residence to inform buyer of requirements for water wise landscaping.
- 6. 10-9a-538
 - a. Allows for certain rear setback features and restricts municipality from limiting this allowance unless property is within a historic district.
- 7. 10-9a-604.2
 - a. Subdivision update → see above.
- 8. 10-9a-604.5
 - a. Definition of public landscaping improvements no longer defined in Section 10-9a-103.
 - b. Municipality may not dictate who puts in the landscaping and is responsible for the cost of such landscaping of residential lots.
- 9. 10-9a-802
 - a. Lack of complete landscaping improvements are not grounds for denying building permit or certificate of occupancy.
 - b. Lack of complete portion of public sidewalk does not warrant withholding building permit, prohibiting construction of a residence or townhome, withhold recording of a plat, or withholding accepting a public landscaping improvement, if an improvement completion assurance has been posted for the incomplete portion.
 - c. Redemption of an improvement completion assurance cannot occur sooner than 18 months after date of improvement is posted for a public sidewalk installation.
 - d. Public sidewalk improvement completion assurances can be posted separate from other infrastructure improvements, or public landscaping improvements.
 - e. Municipality can withhold certificate of occupancy if public sidewalk immediately adjacent to residence or townhome is not yet completed and accepted.
- 10. 38-9-102 (effective 05-01-24)
 - a. “‘Wrongful lien’ includes a document recorded in violation of Subsection 10-9a-532(2)(d).”

File Attachments for Item:

2. Consideration and possible recommendation to the Hideout Town Council regarding a proposed lot combination in the Soaring Hawk Subdivision, lots 65 and 66, located at 11476 N White Tail Ct and 1081 E Black Hawk Way (parcel ID # 00-0021-1018 and 00-0021-2017)



Staff Review of Proposed Subdivision Amendment (Lot Combination) for the Planning Commission

To: Chairman Tony Matyszczyk
Town of Hideout Planning Commissioners

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

Re: Soaring Hawk – Lots 65 and 66 Combination

Date: October 17, 2024

Submittals: The Applicant submitted the following plans:

Subdivision Amendment Application dated August 22, 2024
Proposed Subdivision Plat October 3, 2024

Overview of Current Site Conditions

Site Area: Lot Size for Lot 65: 0.25 acres
Lot Size for Lot 66: 0.22 acres

Total Size of Proposed Lot 66A: 0.47 acres (per plat and 0.46 acres per subdivision)

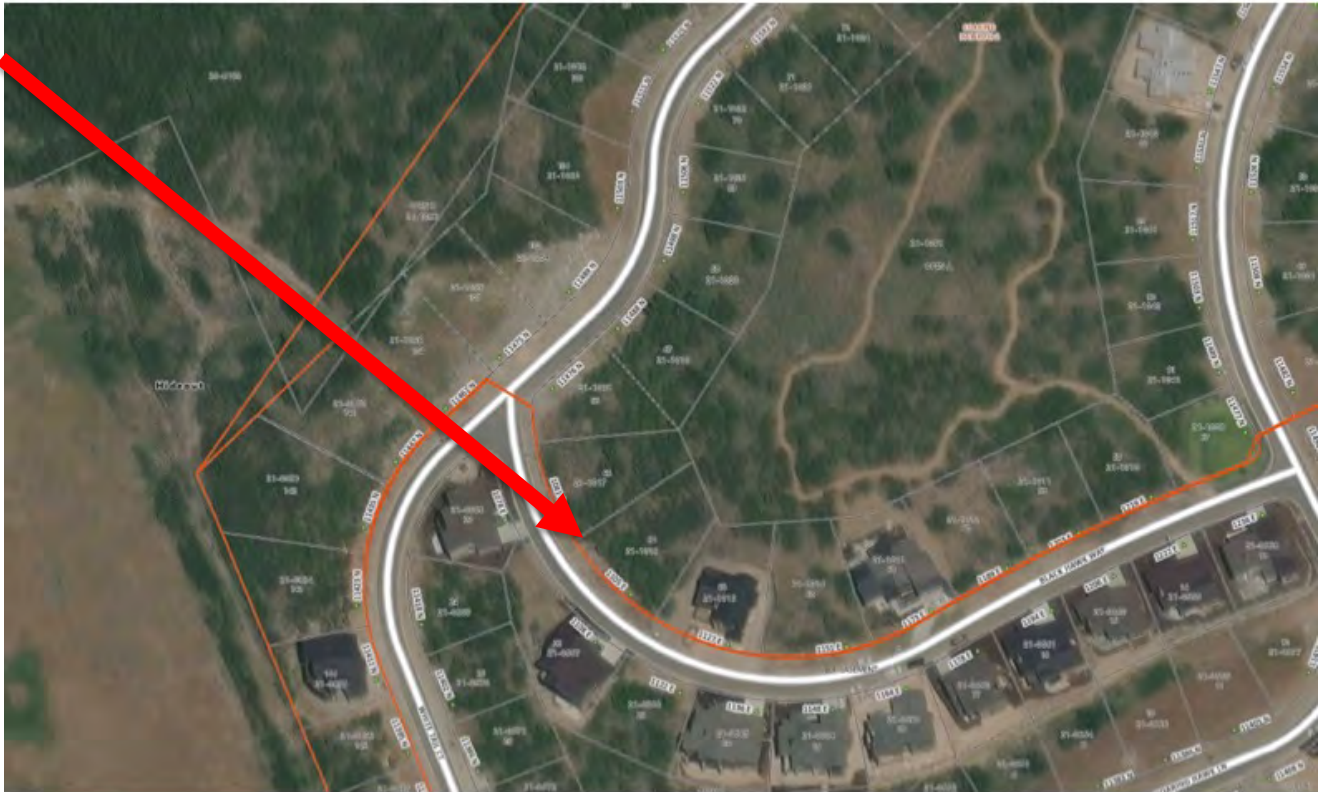
Zoning: Resort Specially Planned Area (RSPA) and within a Resort Village High Density “Pod” (RVHD)

Required Setbacks: “Not applicable” - none per the Former Town Zoning Ordinance; the HOA DRC reviews setbacks

Per the Plat:
6’-0” Public Utility Easement along all property lines

Max Height: The RSPA Zoning District does not have building heights specifically referenced, however the RVHD “Pod” allows for buildings up to eight (8) stories tall. By comparison purposes, the height allowance in the Residential Single Family (RSF) zoning district, the most applicable zoning district for single-family structures in that neighborhood type is 35’-0”.

Aerial Image of Site



Planning Overview

The Applicant is proposing to combine two lots (Lots 65 and 66) to create a single lot (approximately a half-acre total). There are no existing structures located on either existing Lot 65 or Lot 66. The proposal to combine the two lots will provide a larger property – free of lot lines – for the homeowners. Lot combinations are allowed per the Hideout Town Code. There is no maximum size lot permitted in the RSPA Zoning District – Resort Village High Density “Pod” (RVHD)

Staff recommends the following conditions for the lot combination approval:

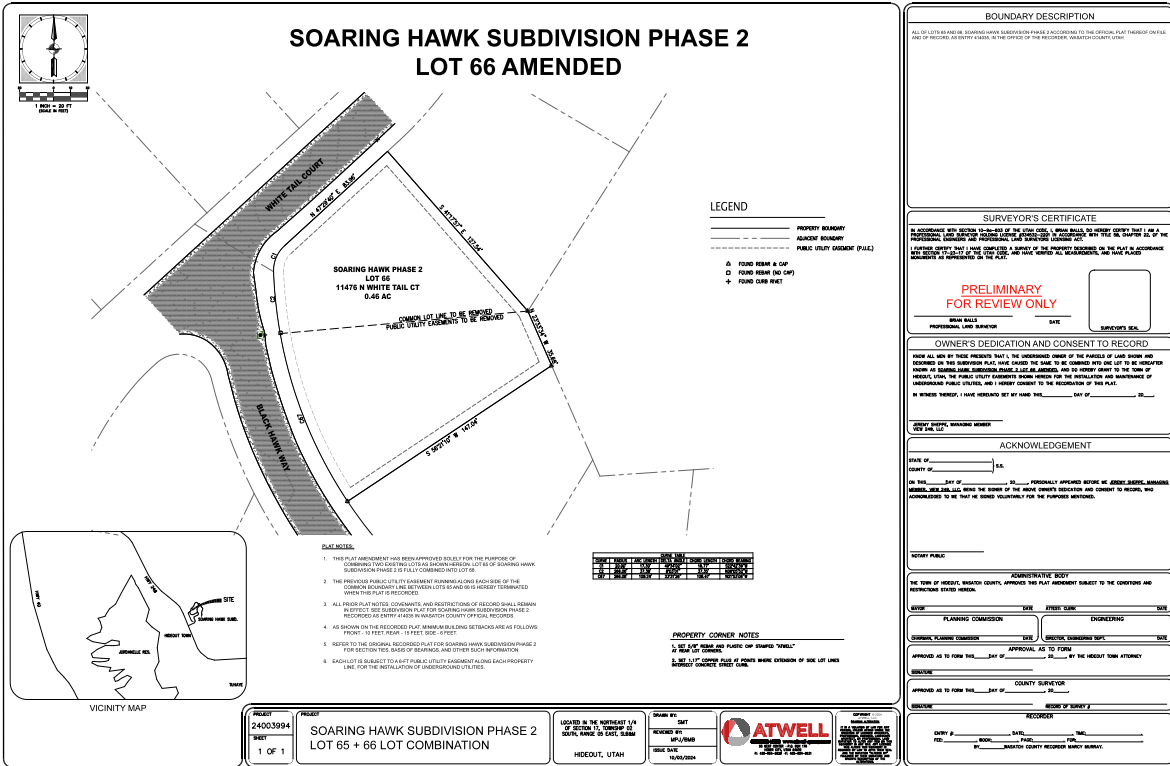
1. The maximum house size (square feet) can be increased up to 125% of what is allowed on existing Lot 65. This is limited by the Master HOA.
2. The Soaring Hawk Phase 2 Subdivision was recorded on July 16, 2015, and includes a Plat Note that each lot line is subject to a minimum 6'-0" public utility easement – essentially creating a 6'-0" front, sides, and rear yard setback. With a larger lot proposed, definitive setbacks should be included on the lot. Staff recommends: 20'-0" front yard setback, 15'-0" side yard setbacks, and a 20'-0" rear yard setback.
3. These existing lots, Lot 65 and Lot 66, are on the corner of Blackhawk Way and Whitetail Court. Only one curb cut for a single driveway should be permitted and it should be located as far as possible from the intersection.

4. No additional parking pads or areas for storage are permitted on the newly proposed Lot 66A.
5. No accessory structures are permitted beyond what is currently allowed by the Town and the HOA.
6. The Applicant must adhere to all requirements of the Master HOA, including Design Review Committee (DRC) requirements.
7. The existing topography and native vegetation must remain undisturbed except for any area proposed for the construction of the primary dwelling unit.
8. The Applicant, in conjunction with the Town Staff, must verify that no utility lines exist in the Public Utility Easement (PUE) that currently separates Lot 65 and Lot 66 (6'-0" on either side of lot line for a total width of 12'-0" wide). If utilities currently exist, the PUE must remain in place. If no utilities currently exist, the PUE may be abandoned in coordination with the Town Engineer and the HOA.

Recommendation

Staff recommends the Planning Commission review the proposed Subdivision Amendment to combine two lots into one larger lot and favorably recommend the proposal to the Town Council with the conditions outlined in this report and those of the Town Engineer.

Exhibit A Existing Conditions



* Note: the acreage illustrated for existing Lot 66 is incorrect and will be corrected prior to final approval. Existing Lot 66 is 0.22 acres in size.

Resolution 2024-R-__

AN RESOLUTION APPROVING A SUBDIVISION AMENDMENT FOR LOTS 65 AND 66 IN THE SOARING HAWK (PHASE 2) SUBDIVISION LOCATED IN HIDEOUT, UTAH

WHEREAS, owners of the property known as Lots 65 and 66 in the Soaring Hawk (Phase 2) Subdivision, located in Hideout, Utah, have petitioned the Town Council for approval of a subdivision amendment; and

WHEREAS, legal notice of the public hearing was published on the Town of Hideout's website according to the requirements of the Utah State Code; and

WHEREAS, the Planning Commission held a public hearing on October 17, 2024 to receive input on the proposed subdivision amendment for a lot combination; and

WHEREAS, the Planning Commission, on October 17, 2024 conducted a public hearing and forwarded a positive recommendation to the Town Council; and

WHEREAS, on November 14, 2024 the Town Council held a public hearing on the subdivision amendment; and

WHEREAS, it is in the best interest of Hideout, Utah to approve the lot combination for Lots 65 and 66 in the Soaring Hawk (Phase 2) Subdivision in that this subdivision amendment is intended to comply with the Hideout Municipal Code, the 2010 Master Development Agreement (MDA), and the Technical Reports prepared by the Town Staff as well as all other recorded agreements.

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

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

Findings of Fact

1. Soaring Hawk Phase 2 Subdivision was recorded on July 16, 2015.
2. Soaring Hawk Phase 2 Subdivision, was comprised of 60 lots (Lots 48 - 108) at time of recordation and includes 23.49 acres.
3. The property is located within the Town of Hideout , alongside and east of SR248.
4. Zoning for the property is RSPA – Resort Specially Planned Area.
5. The combined two lots (Lot 65 and 66) will create a single lot, new Lot 66A (0.46 acres total).
6. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on March 11, 2010.
7. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.
8. No changes are proposed to the existing road alignment or uses associated with this plat.

Conclusions of Law

1. The subdivision amendment, as conditioned, complies with Hideout Municipal Code.

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

Conditions of Approval

1. The Town Attorney, Town Planner and Town Engineer will review and approve the final form and content of the subdivision amendment for compliance with State law, the Hideout Municipal Code, the Master Development Agreement and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision amendment at Wasatch County within six (6) months from the date of Town Council approval. If recordation has not occurred within six (6) months' time, this approval for the plat will be void unless a written request for an extension is submitted to the Town prior to the expiration date and the Town Council grants an extension.
3. Non-exclusive public utility easements shall be indicated on the plats prior to recordation as approved by the Town Engineer and JSSD and consistent with the utility plan, including drainage easements.
4. The maximum house size (square feet) for a future housing unit can be increased up to 125% of what is allowed on existing Lot 65.
5. The Soaring Hawk Phase 2 Subdivision was recorded on July 16, 2015, and includes a Plat Note that each lot line is subject to a minimum 6'-0" public utility easement. These easements will remain in place.
6. With a larger lot proposed, definitive setbacks are required: 20'-0" front yard setback, 15'-0" side yard setbacks (each), and a 20'-0" rear yard setback.
7. The new Lot 66A is limited to a single curb-cut for a driveway and it should be located as far as possible from the intersection of Blackhawk Way and Whitetail Court.
8. No additional parking pads or areas for storage are permitted on new Lot 66A.
9. No accessory structures are permitted beyond what is currently allowed by the Town and the HOA.
10. The Applicant must adhere to all requirements of the Master HOA, including Design Review Committee (DRC) requirements.
11. The existing topography and native vegetation must remain undisturbed except for any area proposed for the construction of the primary dwelling unit.
12. The Applicant, in conjunction with the Town Staff, must verify that no utility lines exist in the Public Utility Easement (PUE) that currently separates Lot 65 and Lot 66 (6'-0" on either side of lot line for a total width of 12'-0" wide). If utilities currently exist, the PUE must remain in place. If no utilities currently exist, the PUE may be abandoned in coordination with the Town Engineer and the HOA.
13. The Applicant must adhere to all requirements of the Master HOA, including Design Review Committee (DRC) requirements.
14. The Town must verify that no utility lines exist in the Public Utility Easement (PUE) that currently separates Lot 65 and Lot 66 (6'-0" on either side of lot line for a total width of 12'-0" wide). If utilities currently exist, the PUE must remain in place. If no utilities currently exist, the PUE may be abandoned in coordination with the Town Engineer and HOA.

- 15. The Applicant agrees to complete subdivision construction permit, pay all required fees and post all required bonds before starting construction.
- 16. The final plat (mylar) is subject to review may require additional notes and corrections.
- 17. The exact language of the plat notes shall be finalized by the Town Attorney, Town Planner and Town Engineer as necessary to implement these conditions of approval and applicable provisions of the Hideout Municipal Code or State Code prior to Mylar signatures by the Town.

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

PASSED AND ADOPTED this 14th day of November, 2024

TOWN OF HIDEOUT

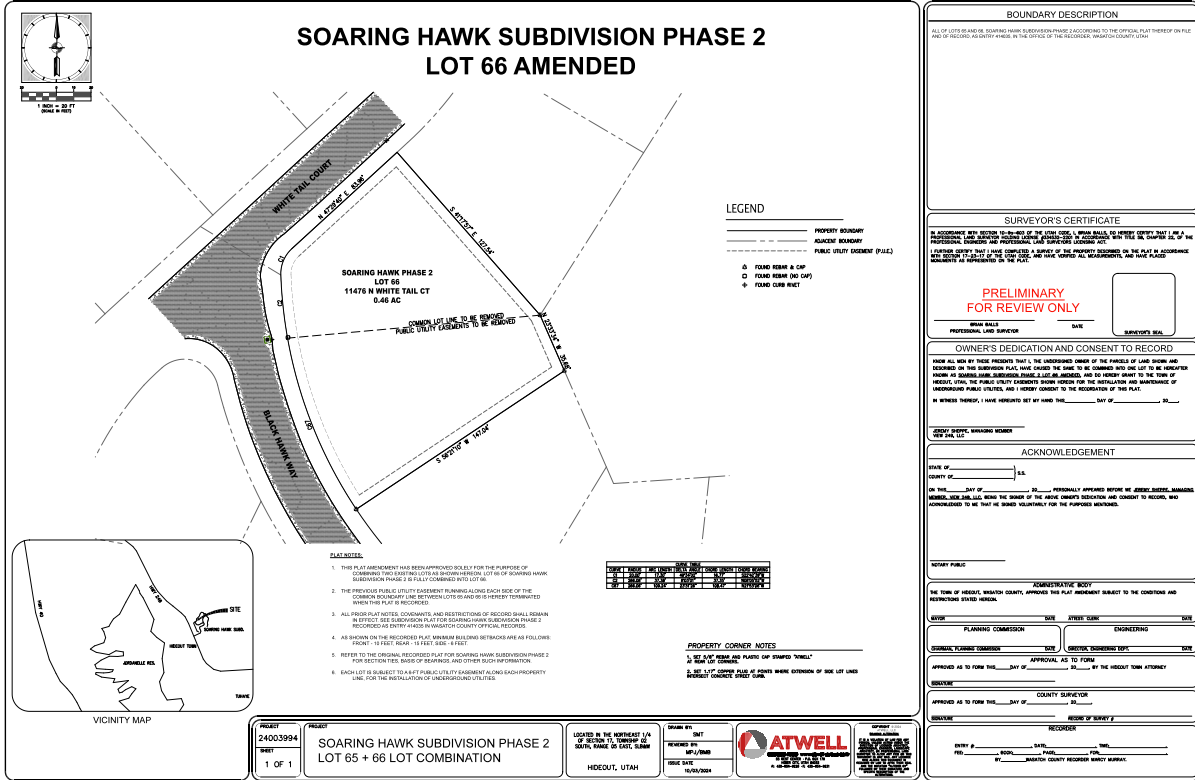
Phil Rubin, Mayor

ATTEST:

Alicia Fairbourne, Recorder for Hideout

Exhibit A

Existing Conditions



BOUNDARY DESCRIPTION

ALL OF LOTS 65 AND 66, SOARING HAWK SUBDIVISION PHASE 2 ACCORDING TO THE ORIGINAL PLAT THEREOF OR FILED HEREIN AS SHOWN ON THE RECORDS OF THE OFFICE OF THE COUNTY CLERK OF WENDOVER COUNTY, UTAH.

SURVEYOR'S CERTIFICATE

I, **ATWELL SURVEYING & ENGINEERING, INC.**, a duly licensed professional land surveyor, do hereby certify that I am a duly licensed professional land surveyor in the State of Utah and that I am duly qualified to perform the services herein stated. I have personally supervised the work herein shown and the same is true and correct. I have also personally supervised the work herein shown and the same is true and correct. I have also personally supervised the work herein shown and the same is true and correct.

PRELIMINARY FOR REVIEW ONLY

DATE: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described premises, do hereby dedicate and consent to the recording of this plat and the same to be a part of the public records of the county of _____, State of Utah, and I hereby consent to the recording of this plat and the same to be a part of the public records of the county of _____, State of Utah, and I hereby consent to the recording of this plat and the same to be a part of the public records of the county of _____, State of Utah.

ACKNOWLEDGEMENT

I, the undersigned, being the owner of the above described premises, do hereby acknowledge the recording of this plat and the same to be a part of the public records of the county of _____, State of Utah, and I hereby consent to the recording of this plat and the same to be a part of the public records of the county of _____, State of Utah.

ADMINISTRATIVE NOTES

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____ BY THE COUNTY CLERK

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____ BY THE COUNTY CLERK

PLAT NO. 24003994
SHEET 1 OF 1

**SOARING HAWK SUBDIVISION PHASE 2
LOT 65 + 66 LOT COMBINATION**

LOCATED IN THE NORTHEAST 1/4
OF SECTION 11, TOWNSHIP 35
SOUTH, RANGE 10 WEST, SLURM
HIDEOUT, UTAH

OWNER: SMT
PREPARED BY: MPT/JMB
DATE: 10/15/2018



RECORDED

Exhibit B

Proposed Subdivision Plat for the Lot Combination of Lots 65 and 66 of the Soaring Hawk (Phase 2) Subdivision

SOARING HAWK SUBDIVISION PHASE 2 LOT 66 AMENDED

LEGEND

— PROPERTY BOUNDARY

--- ADJACENT BOUNDARY

--- PUBLIC UTILITY EASEMENT (P.U.E.)

● FOUND CORNER & CAP

○ FOUND CORNER (NO CAP)

◆ FOUND CORNER (NAIL)

VICINITY MAP

PLAT NOTES

- THIS PLAT AMENDMENT HAS BEEN APPROVED SOLELY FOR THE PURPOSE OF CORRECTING TWO (2) SMALL LOTS AS SHOWN HEREON TO BE OF EQUAL SIZE. REFER TO THE ORIGINAL RECORDING FOR ALL CORNER RECORDS.
- THE PROPOSED PUBLIC UTILITY EASEMENT BOUNDARIES ON EACH SIDE OF THE COMMON BOUNDARY LINE BETWEEN LOTS 65 AND 66 ARE HEREBY TERMINATED WHERE THE PLAT IS RECORDED.
- ALL SURVEY NOTES, COMMENTS, AND DESCRIPTIONS OF RECORD SHALL BE SUBJECT TO THE PUBLIC UTILITY EASEMENT BOUNDARIES AS SHOWN ON THIS PLAT AS RECORDED AS AN ENTRY IN THE HERRICK COUNTY OFFICIAL RECORDS.
- AS SHOWN ON THE RECORDED PLAT, ALL NEIGHBORING SETBACKS ARE AS FOLLOWS: FRONT: STREET FRONT SETBACK: 10 FEET; SIDE: 5 FEET.
- REFER TO THE ORIGINAL RECORDED PLAT FOR SOARING HAWK SUBDIVISION PHASE 2 FOR SECTION 16E, T4S, R10E, AND OTHER SUCH INFORMATION.
- EACH LOT IS SUBJECT TO ANY PUBLIC UTILITY EASEMENTS ALONG EACH PROPERTY LINE FOR THE INSTALLATION OF UNDERGROUND UTILITIES.

LINE	BEARING	DISTANCE	AREA	PERIMETER
1	S 89° 00' 00" W	100.00	100.00	100.00
2	S 89° 00' 00" W	100.00	100.00	100.00
3	S 89° 00' 00" W	100.00	100.00	100.00
4	S 89° 00' 00" W	100.00	100.00	100.00
5	S 89° 00' 00" W	100.00	100.00	100.00
6	S 89° 00' 00" W	100.00	100.00	100.00
7	S 89° 00' 00" W	100.00	100.00	100.00
8	S 89° 00' 00" W	100.00	100.00	100.00
9	S 89° 00' 00" W	100.00	100.00	100.00
10	S 89° 00' 00" W	100.00	100.00	100.00
11	S 89° 00' 00" W	100.00	100.00	100.00
12	S 89° 00' 00" W	100.00	100.00	100.00
13	S 89° 00' 00" W	100.00	100.00	100.00
14	S 89° 00' 00" W	100.00	100.00	100.00
15	S 89° 00' 00" W	100.00	100.00	100.00
16	S 89° 00' 00" W	100.00	100.00	100.00
17	S 89° 00' 00" W	100.00	100.00	100.00
18	S 89° 00' 00" W	100.00	100.00	100.00
19	S 89° 00' 00" W	100.00	100.00	100.00
20	S 89° 00' 00" W	100.00	100.00	100.00
21	S 89° 00' 00" W	100.00	100.00	100.00
22	S 89° 00' 00" W	100.00	100.00	100.00
23	S 89° 00' 00" W	100.00	100.00	100.00
24	S 89° 00' 00" W	100.00	100.00	100.00
25	S 89° 00' 00" W	100.00	100.00	100.00
26	S 89° 00' 00" W	100.00	100.00	100.00
27	S 89° 00' 00" W	100.00	100.00	100.00
28	S 89° 00' 00" W	100.00	100.00	100.00
29	S 89° 00' 00" W	100.00	100.00	100.00
30	S 89° 00' 00" W	100.00	100.00	100.00
31	S 89° 00' 00" W	100.00	100.00	100.00
32	S 89° 00' 00" W	100.00	100.00	100.00
33	S 89° 00' 00" W	100.00	100.00	100.00
34	S 89° 00' 00" W	100.00	100.00	100.00
35	S 89° 00' 00" W	100.00	100.00	100.00
36	S 89° 00' 00" W	100.00	100.00	100.00
37	S 89° 00' 00" W	100.00	100.00	100.00
38	S 89° 00' 00" W	100.00	100.00	100.00
39	S 89° 00' 00" W	100.00	100.00	100.00
40	S 89° 00' 00" W	100.00	100.00	100.00
41	S 89° 00' 00" W	100.00	100.00	100.00
42	S 89° 00' 00" W	100.00	100.00	100.00
43	S 89° 00' 00" W	100.00	100.00	100.00
44	S 89° 00' 00" W	100.00	100.00	100.00
45	S 89° 00' 00" W	100.00	100.00	100.00
46	S 89° 00' 00" W	100.00	100.00	100.00
47	S 89° 00' 00" W	100.00	100.00	100.00
48	S 89° 00' 00" W	100.00	100.00	100.00
49	S 89° 00' 00" W	100.00	100.00	100.00
50	S 89° 00' 00" W	100.00	100.00	100.00
51	S 89° 00' 00" W	100.00	100.00	100.00
52	S 89° 00' 00" W	100.00	100.00	100.00
53	S 89° 00' 00" W	100.00	100.00	100.00
54	S 89° 00' 00" W	100.00	100.00	100.00
55	S 89° 00' 00" W	100.00	100.00	100.00
56	S 89° 00' 00" W	100.00	100.00	100.00
57	S 89° 00' 00" W	100.00	100.00	100.00
58	S 89° 00' 00" W	100.00	100.00	100.00
59	S 89° 00' 00" W	100.00	100.00	100.00
60	S 89° 00' 00" W	100.00	100.00	100.00
61	S 89° 00' 00" W	100.00	100.00	100.00
62	S 89° 00' 00" W	100.00	100.00	100.00
63	S 89° 00' 00" W	100.00	100.00	100.00
64	S 89° 00' 00" W	100.00	100.00	100.00
65	S 89° 00' 00" W	100.00	100.00	100.00
66	S 89° 00' 00" W	100.00	100.00	100.00
67	S 89° 00' 00" W	100.00	100.00	100.00
68	S 89° 00' 00" W	100.00	100.00	100.00
69	S 89° 00' 00" W	100.00	100.00	100.00
70	S 89° 00' 00" W	100.00	100.00	100.00
71	S 89° 00' 00" W	100.00	100.00	100.00
72	S 89° 00' 00" W	100.00	100.00	100.00
73	S 89° 00' 00" W	100.00	100.00	100.00
74	S 89° 00' 00" W	100.00	100.00	100.00
75	S 89° 00' 00" W	100.00	100.00	100.00
76	S 89° 00' 00" W	100.00	100.00	100.00
77	S 89° 00' 00" W	100.00	100.00	100.00
78	S 89° 00' 00" W	100.00	100.00	100.00
79	S 89° 00' 00" W	100.00	100.00	100.00
80	S 89° 00' 00" W	100.00	100.00	100.00
81	S 89° 00' 00" W	100.00	100.00	100.00
82	S 89° 00' 00" W	100.00	100.00	100.00
83	S 89° 00' 00" W	100.00	100.00	100.00
84	S 89° 00' 00" W	100.00	100.00	100.00
85	S 89° 00' 00" W	100.00	100.00	100.00
86	S 89° 00' 00" W	100.00	100.00	100.00
87	S 89° 00' 00" W	100.00	100.00	100.00
88	S 89° 00' 00" W	100.00	100.00	100.00
89	S 89° 00' 00" W	100.00	100.00	100.00
90	S 89° 00' 00" W	100.00	100.00	100.00
91	S 89° 00' 00" W	100.00	100.00	100.00
92	S 89° 00' 00" W	100.00	100.00	100.00
93	S 89° 00' 00" W	100.00	100.00	100.00
94	S 89° 00' 00" W	100.00	100.00	100.00
95	S 89° 00' 00" W	100.00	100.00	100.00
96	S 89° 00' 00" W	100.00	100.00	100.00
97	S 89° 00' 00" W	100.00	100.00	100.00
98	S 89° 00' 00" W	100.00	100.00	100.00
99	S 89° 00' 00" W	100.00	100.00	100.00
100	S 89° 00' 00" W	100.00	100.00	100.00

PROPERTY CORNER NOTES

1. ALL 1/4 CORNER AND PLAIN CAP STAKES "VALID" AS SHOWN ON PLAT.

2. ALL 1/4 CORNER PLAT AT POINTS MAKE CREATION OF NEW LOT LINES SUBJECT TO ANY RECORDING AGENCIES.

BOUNDARY DESCRIPTION

ALL CORNERS AND BOUNDARIES SHOWN ON THIS PLAT ARE TO BE CONSIDERED AS THE OFFICIAL PLAT THEREOF UNLESS OTHERWISE PROVIDED IN WRITING BY THE SURVEYOR OR HIS SUCCESSORS. THIS PLAT SHALL BE VALID IN ACCORDANCE WITH THE PROVISIONS OF THE PUBLIC UTILITY EASEMENT ACT.

SURVEYOR'S CERTIFICATE

I, **DAVID J. WELLS**, a duly licensed Professional Land Surveyor in the State of Utah, do hereby certify that I have personally supervised the survey shown on this plat, and that the same is in accordance with the provisions of the Public Utility Easement Act.

PRELIMINARY FOR REVIEW ONLY

DAVID J. WELLS
PROFESSIONAL LAND SURVEYOR

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby dedicate and consent to the recording of this plat and the creation of the lots shown hereon, and I agree to be bound by the terms of the Public Utility Easement Act. I agree to be bound by the terms of the Public Utility Easement Act and to be bound by the terms of the Public Utility Easement Act.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 20____.

ACKNOWLEDGEMENT

I, the undersigned, do hereby acknowledge the recording of this plat and the creation of the lots shown hereon, and I agree to be bound by the terms of the Public Utility Easement Act.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 20____.

PLANNING COMMISSION

DATE: _____ TIME: _____

APPROVED AS TO FORM: _____ BY THE NEAREST TOWN ATTORNEY

APPROVED AS TO FORM: _____ DAY OF _____ COUNTY SURVEYOR

APPROVED AS TO FORM: _____ DAY OF _____ COUNTY SURVEYOR

PROJECT: 24003994

SHEET: 1 OF 1

SOARING HAWK SUBDIVISION PHASE 2

LOT 65 + 66 LOT COMBINATION

LOCATED IN THE NORTHWEST 1/4 OF SECTION 16, T4S, R10E, S4M, RANGE 10 EAST, CLARK COUNTY, UTAH

DATE: 05/20/2024

ATWELL
SURVEYING & ENGINEERING

From: [Brad Airmet](#)
To: [hideoututah](#)
Subject: Caution: ExternalSoaring Hawk Subdivision, lots 65 and 66, located at 11476 N White Tail Ct and 1081 E Black Hawk Way
Date: Wednesday, October 9, 2024 1:22:12 AM

Hideout Planning Commission,

Regarding the proposal to combine lots 65 and 66 in the Soaring Hawk Subdivision, as a neighbor up the street, I would recommend that this be approved.

As you look at lot 65 and its' piece of pie shape, I cannot imagine trying to squeeze a house in that area without a weird plan configuration. The owners of the lot next door, lot 64, have built as close as possible to the property line, making it even more difficult to place a house on lot 65 in a pleasing place.

Lot 66 also has a difficult uphill build that would require tremendous amounts of excavation as it sits higher than the other lots next to it, and driveway access would be a difficult challenge.

Combining these two lots into one seems like a logical choice to resolve the natural topography and keep the neighborhood more in balance.

Thank you-

Brad Airmet
1206 E Black Hawk Way
Hideout, UT 84036