



**HIDEOUT, UTAH**  
**HIDEOUT TOWN COUNCIL**  
**REGULAR MEETING AND PUBLIC HEARING (RESCHEDULED)**  
**August 11, 2022**  
**Agenda**

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold its Regular Meeting and Public Hearing electronically for the purposes and at the times as described below on Thursday, August 11, 2022.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin's August 11, 2022 No Anchor Site Determination Letter.

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

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

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Regular Meeting and Public Hearing

(Rescheduled to start at approximately 6:10 PM and will be immediately after the Truth in Taxation and Final Budget Adoption Public Hearing meeting which begins at 6:00 PM)

I. Call to Order

1. No Anchor Site Determination Letter

II. Roll Call

**6:30 PM**

**III. Public Hearing**

1. Consideration and possible approval of the KLAIM Phase 4 final plat application

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

V. Committee Updates

1. Planning Commission - Tony
2. Community Engagement Committee - Sheri
3. Economic Development Committee (EDC) - Ralph
4. Parks, Open Space and Trails (POST) Committee - Chris
5. Transportation Committee - Carol
6. Hideout Design Review Committee - Thomas
7. Infrastructure - Timm

VI. Agenda Items

1. Discussion and possible approval of Ordinance 2022-O-XX regarding Dark Skies
2. Consideration and possible approval of adopting Ordinance 2022-O-XX regarding Water Conservation
3. Discussion and consideration of name change from "Town" to "City"
4. Discussion regarding Animal Control funding

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

VIII. Meeting Adjournment

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

**HIDEOUT TOWN COUNCIL**

10860 N. Hideout Trail  
Hideout, UT 84036  
Phone: 435-659-4739

8/10/2022



August 11, 2022

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

The Mayor of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(5) and Hideout Town Ordinance 2020-03. The facts upon which this determination is based include: The seven-day rolling percent and number of positive COVID-19 cases in Utah has been over 30.93% of those tested since July 28, 2022. The seven-day average number of positive cases has been, on average, 739 per day since August 3, 2022.

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

Interested parties may join by dialing in as follows:

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

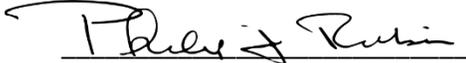
**To join by telephone dial:** US: +1 408-638-0986

**Meeting ID:** 4356594739

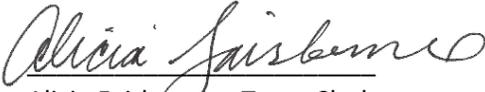
Additionally, comments may be emailed to [hideoututah@hideoututah.gov](mailto:hideoututah@hideoututah.gov). Emailed comments received prior to the scheduled meeting will be considered by Council and entered into public record.

This determination will expire in 30 days on September 10, 2022.

BY:

  
Phil Rubin, Mayor

ATTEST:

  
Alicia Fairbourne, Town Clerk





## Staff Report for KLAIM Subdivision – Phase 3

To: Mayor Phil Rubin  
Town of Hideout Council

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

Re: KLAIM Phase 4 – Final Subdivision Review

Date: August 5, 2022

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*Submittals: Subdivision Plat for KLAIM Phase 4, dated May 17, 2022*

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### Background

The KLAIM subdivision received Preliminary Plat Approval on December 14, 2017 for the full subdivision (all four or five phases; the exact phasing plan was not fully defined at the time). KLAIM, Phases 1, 2 and 3 have already received final subdivision approval from the Planning Commission and Town Council. The most recent approval, KLAIM Phase 3, was approved by the Town Council on January 27, 2022.

The Applicant is now proposing to complete the project in four phases, not five.

The proposed KLAIM Phase 4 will be the final subdivision submittal for the KLAIM project.

At the December 14, 2017 meeting (and at the prior week's meeting - December 7, 2017 Planning Commission meeting) a site plan was provided but there was never a Subdivision Plat which was in a form which could be recorded. As such, while the minutes of the December 14, 2017 meeting indicate *Final* (not Preliminary) Subdivision Approval, technically a complete plat must have been submitted. This approval process is required to ensure the Planning Commission and Town Council review a completed plat for all phases of the KLAIM subdivision. At this time, the Applicant effectively has Preliminary Subdivision approval for all phases, but each partial phase of the complete project has required Planning Commission and Town Council review for any Final Subdivision approvals. At the December 14, 2017 meeting, the approval was conditioned on the following requirements:

- When the Town takes over the roads (accepted by the Town), the developer will help with the costs until that phase is 50% occupied. The Town is only responsible for the phase under construction.





The KLAIM Phase 4 subdivision is comprised of two parts (identified in red above on the map):

- A section that includes 14 lots that will be constructed on the far northeast section of the site; up slope. The proposed design and general attributes - heights, building materials, colors, dimensions, etc. will be the same as the prior phases.
- A second section that includes 8 lots that are located at the northwest portion of the project site – essentially extending Phase 2 a bit further west.

This Preliminary Subdivision project is generally vested per the Master Development Agreement (MDA) that was signed on June 27, 2019. The Zoning Code that was in place at that time was updated in November 2020. Section 3.2.7 of the MDA allows the Town to require the Applicant to adhere to new planning and zoning modifications that generally address design, setbacks, and similar item provided allocated density is not reduced. The Applicant has generally committed to coordinate future improvements in compliance with the Town's updated Zoning Code.

The new Town Code has updated Building and Development Standards (new Section 10 of the Town Code as of November 2020) that the subdivision must meet. The following are the areas of the Zoning Code that contain requirements Town Staff have determined as applicable planning/design sections for this project to ensure the health, safety, and welfare of the residents:

- 11.07.101 Zoning: Mountain (M) w/ a Planned Performance Development Overlay allowing deviation from setbacks.
- 10.08.06.C General Standards-Monotony Clause and 1008.08 Design Standards: Major Subdivisions (6 lots or more) shall not have greater than twenty (20%) of the structures with the same elevation and, in no case, shall any two (2) similar structures be located adjacent to each other or directly across the street. The differentiation of each structure shall be a combination of unique roof lines, garage step-backs, entry/porch location and canopy, fenestration, building materials, and colors.
  - The Applicant has coordinated with the Design Review Committee (DRC) - one Town Council member (R. Severini) and one Planning Commissioner (G. Tihansky) and the Town Planner - to review the submittals for Phase 3 that was approved in January 27, 2022. While lower Phase 3 will generally match Phase 1 and 2 and will appear as an extension of the existing buildings, DRC has coordinated with Chris Ensign and the architect to integrate differentiating materials, design, building lines, colors, alternating setbacks, etc. into subsequent phases to ensure general compliance with the intent of this section of the Town's Zoning Code.
  - To date, the primary revisions focus on slight color variations for the buildings and some roofline revisions (some slightly taller to provide relief). The same is approach is recommended for Phase 4.

# i n t e g r a t e d

## planning & design

- At their June 2022 meeting, the Planning Commission was supportive of this more subtle variation. Is the Town Council supportive of this approach as well.
- If subtle variation is acceptable as proposed, the Applicant may need to pursue a variance from the requirements included in the monotony clause standards. A variance will also be required for the slightly increased heights on a few of the units (to provide a bit of architectural articulation) – approximately 4'-0". Where 35'-0" is allowed for height, the Applicant would request a variance to allow 39'-0" from grade.



- 10.08.14 Roads and Road Requirements:  
T-O Engineering reviewed the roads and confirmed the Applicant meets the Town's new road requirements (26'-0" of pavement width).
- 10.08.20 Drainage and Storm Water Facilities



T-O Engineering reviewed the proposed stormwater infrastructure and confirmed the Applicant meets the Town's new requirements.

- 10.08.34 Public Space Requirements:

More than 42 acres of the 58+ acre site is proposed to be preserved as undisturbed open space with only trails allowed to be installed. The following is required:

- A final Overall Project Site Plan must be submitted prior to Town Council review to understand the final layout of buildings:
  - This plan must include topo and stormwater retention/detention basins; the preliminary subdivision plan illustrating all phases should be updated to reflect revisions.
- A final landscape Plan for Phase 4 is required and should relate to the approved Landscape Plan for Phase 1 (by Seth Bockholt Design). This should also be provided to the Town Council for their review:
  - This plan must include the location of all retaining walls with top-of-wall and bottom-of-wall elevations, width dimensions, landscaping at top and bottom (and in terracing where allowed and applicable), etc.
- A final trail and recreational amenity plan must be submitted and approved by the POST Committee. All trails must be open to the public and this note should be included on all plats for KLAIM.

Is the Town Council comfortable with the following language included as part of the MDA, Addendum No. 1? Would the Applicant be amenable to minor changes to recommended by the Parks, Open Space and Trails (POST) Committee? Specifically, widths of trails may vary from the developed portion of the site to the more remote sections.

*4. Use & Maintenance of Trails. Trails within the Property will be open to the public. Trails (other than those in the Dedicated Open Space) will be four foot (4') wide, natural surface trails. The trails will be constructed by, and at the expense of, Developer but the Town shall be solely responsible to maintain the trails that run through, in or upon the Property, if any, except any trails within the common areas shown on any plat for the Property which will be the obligation of the Association to maintain. Additionally, residents of the Property shall have the right to utilize any such trails, subject to any generally applicable restrictions related to the use of the same.*

- The Applicant shall confirm whether a Conservation Easement is proposed to protect these 42 acres. At minimum, the Plat must indicate that no improvements (other than trails) will take place on these acres. This open space should be noted on the Plat for the final phase.
- 11.02.14 Construction Mitigation Plan Update:



- There have been some concerns forwarded to Town Hall by residents concerning the scale and appearance of the immense 'dirt pile' located just north of the KLAIM subdivision. This is the site that is accepting the excavated soil/debris from the KLAIM site that is not proposed to be reused on site. Town staff also has concerns regarding the scale of the site, the erosion into the stream adjacent to the site and the appearance of terra-forming as viewed from SR 248.
- The Applicant shall provide details related to the final scale (size and dimensions), proposed vegetation, whether additional phases to KLAIM will also be allowed to deposit excavation debris there, etc.
- An updated SWPPP Plan should be submitted to the Town Engineer and Planner for review and approval. Proposed elevations indicating depth of fill should also be provided and no slope shall exceed 1:1. Currently the slopes appear to exceed 1:1.



### **Recommended Conditions of Approval**

#### Planning Conditions:

1. CC&Rs must be recorded.
2. Secondary access must have four season access and noted on the plat.
3. Submittal of an overall Site Plan.



4. Submittal of a Final Landscape Plan.
5. Submittal of a final design and engineering specifications (and materials) for the retaining walls
6. Inclusion of a plat note indicating when trails and recreational amenities will be completed.
7. Submittal of detailed trail dimensions, materials, associated landscaping, etc.
8. Delineate future visitor parking for the complete KLAIM project; layout must be approved by the Town Planner and Engineer.

Engineering Conditions:

1. T-O Report to provide details, if any.

**Recommendation**

The Planning Commission reviewed the subdivision (attached) and forwarded a positive recommendation subject to the conditions outlined in this Staff Report for the KLAIM Phase 4 Subdivision to the Town Council. Staff recommends Town Council approve the subdivision as submitted and conditioned.

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

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

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

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

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

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

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

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

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

**Findings of Fact**

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

10. No changes are proposed to the existing road alignment or uses associated with this plat.
11. Each Phase of KLAIM will have a separate Final Subdivision plat associated with it.

#### Conclusions of Law

1. The subdivision plats, as conditioned, comply with Hideout Municipal Code, Title 12 and the 2019 Master Development Agreement.
2. The subdivision plats, as conditioned, are consistent with the applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat as conditioned.
4. Approval of the subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Hideout.
5. If the Applicant requests an extension for the subdivision plats, the Hideout Municipal Code requires that these submittals “satisfy[ies] any new Town requirements pertaining to the public health, safety and welfare.”

#### Conditions of Approval

1. The Town Attorney, Town Planner and Town Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Hideout Municipal Code, the Master Development Agreement and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Wasatch County within six (6) months from the date of Town Council approval. If recordation has not occurred within six (6) months' time, this approval for the plat will be void unless a written request for an extension is submitted to the Town prior to the expiration date and the Town Council grants an extension.
3. A financial guarantee, in a form and amount acceptable to the Town and in conformance with these conditions of approvals, for the value of any required public improvements, such as water, sewer, landscaping, fire hydrants, etc. shall be provided to the Town prior to building permit issuance for new construction. All public improvements shall be completed according to Town standards prior to release of this guarantee. An additional ten (10) percent of the public improvement value shall be held by the Town for the warranty period and until such improvements are accepted by the Town.
4. The Applicant shall provide a complete set of updated construction plans, and address all engineering and planning comments prior to approval.
5. The Applicant agrees to complete the subdivision construction permit, pay all required fees and post all required bonds before starting construction.
6. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.
7. The recorded plat shall include, but is not limited to, the following plat notes:
  - a. These plats are subject to the conditions of approval in Resolution 2022-R-11.
  - b. Non-exclusive public utility easements shall be indicated on the plats prior to recordation as approved by the Town Engineer and JSSD and consistent with the utility plan, including drainage easements. All existing and required easements, based on review by the Town Engineer and JSSD will be shown and recorded on the plat, including utilities, storm drainage, access (public, utility and emergency), snow storage, trails and trailhead parking, etc. All existing recorded easements and agreements shall be referenced on the plats, including entry number, book and page.
  - c. All approved public trails, consistent with the Master Development Agreement and the Parks Open Space & Trails (POST) Plan, shall be shown on the plats or include a note indicating that ‘all trails are open to the public and all trails can be

located on any common area or open space area or within the dedicated public utility easement per review and approval by the Town Planner and Town Engineer.'

- d. All trails must be maintained by the HOA.
  - e. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots and not within public right of way.
  - f. A fire protection and emergency access plan shall be submitted and approved by the Wasatch County Fire District and Emergency Management Services (EMS) prior to the issuance of any building permits.
  - g. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
  - h. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
8. The Applicant agreed to meet the current Town Code requirements (26'-0" of asphalt plus curb and gutter) for road construction; and a paved bike lane shall be incorporated into all new streets per Town code.
  9. The Applicant will work with the Town Planner and Town Engineer to incorporate an appropriate amount of visitor parking throughout each Phase of the proposed subdivision.
  10. The construction plan set should be updated to include all retaining wall locations and sizes (including top of wall/TW and bottom of wall/BW elevation points).
    - a. The Applicant shall adhere to the Town's code and provide a detailed retaining wall plan set that must be approved by the Town Planner and Town Engineer.
    - b. A structural analysis of these walls must be provided once a final retaining wall plan is accepted by the Town Planner and Town Engineer.
    - c. A section of a typical tiered wall must be provided including materials, planting in the horizontal breaks, etc.
  11. Per the Planning Commission's recommendations, the Applicant shall ensure a variety of architectural designs (primarily color variation where applicable) for the remaining phases of the project to meet the intent of the Town's monotony clause (10.08.06). The Applicant shall also work with the Town Planner to ensure color variation for various buildings and phases of the project. With almost half the project complete, the Applicant will not be able to meet the requirements of the monotony clause and will have to request a variance from the Town's Administrative Law Judge.
  12. Snow storage areas must be delineated on the plats.
  13. The secondary road access must be completed prior to the final Certificate of Occupancy issuance for the final fifteen (15) units/lots of Phase 4 of KLAIM. This road must have four-season access.
  14. Trails: Proposed trails (and surface type) to be designed and submitted for approval by the Town Planner. This submittal shall include all outdoor recreational amenities. Trails and associated outdoor recreational amenities shall be completed as part of Phase 4 and prior to Certificates of Occupancy issued for the final fifteen units/lots of Phase 4 by Town Hall.
  15. Streetscape amenities; lighting, signage, etc. shall be provided – construction details, sign type (if proposed), and materials/colors.
  16. A final Site Plan with the overall street network, trail network, location of structures, etc. must be submitted prior to recordation of the Phase 4 plat.
  17. A Landscape Plan shall be provided for all of phases prior to commencement of any construction (and prior to issuance of any Building Permits). This plan shall include street trees, common area and yard landscaping, entry features, and slope stabilization plantings where necessary – slopes greater than 50%. This plan must be approved by the Town Planner.

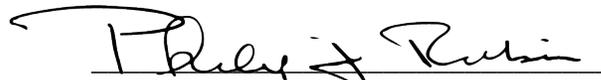
18. The dedicated soil repository located to the north of the KLAIM subdivision shall meet the following conditions prior to issuance of any building permits for Phase 4 (unless noted otherwise below):
  - a. A SWPP Plan shall be submitted for Phase 4. This shall include protective measures for the creek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

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

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

PASSED AND ADOPTED this 11<sup>th</sup> day of August, 2022

TOWN OF HIDEOUT

  
Phil Rubin, Mayor

ATTEST:

  
Alicia Fairbourne, Town Clerk





## 10.16 DARK SKIES LIGHTING

### 10.16.02 PURPOSE

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

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

### 10.16.04 DEFINITIONS

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

Commented [TEJ1]: To do:

Timm and I will coordinate some updated light meter readings for the next TC meeting.

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

### Examples of Acceptable / Unacceptable Lighting Fixtures



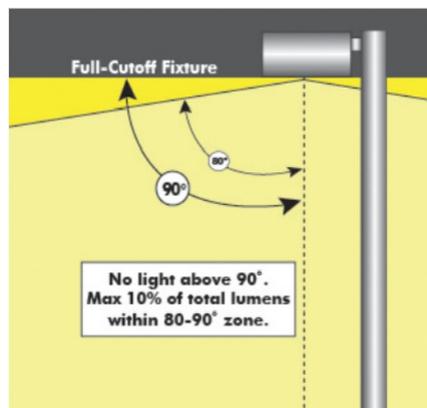
*The lights on the left are non-conforming. Those on the right can be used in most cases. Depending on the mounting height and proximity to the property line, additional shielding may be necessary to prevent the luminous elements from being visible from any other property.*

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

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

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

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



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

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

- a. Holiday lighting is permitted from December 1<sup>st</sup> – March 1<sup>st</sup> and must be turned off from midnight to 6am daily.
- b. Festoon type low-output lamps, limited to small individual bulbs on a string.
- c. Uplighting of wreaths and similar holiday items is permitted provided that individual lamps are less than 10 watts and 70 lumens.
- d. Low-output lamps (less than 50 watts and 750 lumens) used to internally illuminate yard art.
- e. Flood or spotlights producing less than 2000 lumens each whose light source is not visible from any other property.

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

Light fixture: any device intended to produce outdoor illumination.

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

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

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

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

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

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

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

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

#### 10.16.06 APPLICABILITY AND EXEMPTIONS

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

##### 1. Exemptions.

- a. Temporary lighting for decoration/seasonal, theatrical, television, performance areas, and construction sites, except as allowed by permit at the discretion of the Town Council.
- b. Town entrance lighting such as trees with strings of white lighting at the intersection of North Hideout Trail and SR248 and the trees within the traffic circle at the western terminus of North Hideout Trail.
- c. Bistro lights (a.k.a. café lights, globe patio lights, etc.) that are generally unshielded lights on a string and typically positioned under a patio or porch roof or strung into a railing are permitted year-round subject to a 200 lumen maximum light output per bulb

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(lumens/bulb) and with a color temperature of less than 3000 Kelvin. The maximum lumen output per location is 2000 lumens. These lights must always be turned off when not actively in use by the homeowner and must be turned off nightly between midnight and 6am.

- d. Underwater lighting in swimming pools and other water features.
- e. Lighting that is only used under emergency conditions.
- f. Lighting required by federal, state, county or city ordinances and regulations.
- g. Outdoor recreational facilities are exempt from lumen cap and shielding but must comply with 3,000 degrees Kelvin temperature requirement. Lights must be extinguished promptly after a sponsored event.

**Commented [TEJ3]:** What is the actual kelvin temperature for a sports field – Council asked. Response: Type 1 or 2 Tennis court is for international competition = 4000k; Type 3 or 4 – recreational courts in parks or tennis clubs = 2000K. I think for our purposes, 3000K is fine.

#### 10.16.08 OUTDOOR LIGHTING STANDARDS.

1. Temperature of Lamps. Lamps shall not exceed a maximum correlated color temperature (CCT) of 3,000 degrees Kelvin.
2. Lamp and Shielding. All light fixtures are required to be fully shielded and installed so that the shielding complies with the definition of a fully shielded light fixture.
3. Light Trespass Standard. All light fixtures, including motion sensing fixtures and security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source, including any public or private street or road.
4. Signs:
  - a. Front Lit: Any light with the intention to illuminate a sign must be oriented from the top and shine down.
  - b. Back Lit:
    - I. The sign design may not contain any more than 10 percent white, including lettering.
    - II. Transparent or clear materials are not allowed.
    - III. Nonface portions of the sign (e.g., background and sides) shall be made of completely opaque material.
    - IV. Internal lights must not exceed 3,000 degrees Kelvin if greater than or equal to 1,500 lumens.
  - c. Neon: Any sign consisting of more than three feet of neon must be extinguished no more than four hours after sundown during daylight savings and six hours during regular mountain time.
  - d. Electronic:
    - I. EMS signs are for public safety purposes only and prohibited for private or commercial use.
    - II. Luminance levels for operation after sundown and until sunrise shall not exceed 100 nits (candela per square meter) as measured under conditions of a full white display.
    - III. Messages appearing on Electronic Messenger Systems (EMS) shall not be displayed for less than 30 seconds and require no longer than 0.25 seconds to transition from one message to another. Moving text is prohibited.
    - IV. The luminous surface area of an individual EMS shall not exceed 50 square feet.

- V. EMSs shall not be placed within 1,500 feet (300 meters) of other off-premises changeable electronic variable message sign on the same side of the highway, regardless of face orientation.
  - VI. EMSs shall not be placed within 1,500 feet (300 meters) of residential areas.
  - VII. The device owner or the permit holder shall continuously monitor signs 24 hours per day, including monitoring the reliability of hardware, software, network and other support infrastructure.
  - VIII. Signs shall contain a default mechanism so that in the event 10 percent or more of an EMS's LED emitters have failed, the sign will immediately revert to an unlit black screen and remain in such condition until the malfunction is corrected.
5. Parking Lots:
    - a. Spot or flood lighting of parking lots from a building or other structure is prohibited.
    - b. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed 20 feet. All post mounted parking lot lights shall be set back from property lines a distance that is determined appropriate by the planning commission.
    - c. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed 16 feet.
    - d. The lighting in commercial parking lots must be turned down by at least 75% of all light fixtures (or 75% of total light emitted) two (2) hours after closing time in the evening or from 10pm to 6am, whichever is the most restrictive.
    - e. All parking lot lighting shall use full cutoff fixtures.
  6. Gas Station Canopies. Gas station canopies may be illuminated, provided all light fixtures are mounted on the undersurface of the canopy, all light fixtures are full cutoff and diffusers are not visible from locations off the property. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.
  7. Total Outdoor Light Output Standards – Commercial and Multifamily Uses.
    - a. Total outdoor light output shall not exceed 15,000 lumens per net acre for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site.
    - b. Seasonal decorations are not counted toward this limit.
  8. Total Outdoor Light Output Standards – Single-Family Residential Uses:
    - a. Outdoor lighting for single-family residential uses is subject to a lumen per net acre cap of 10,000 lumens net.
    - b. Outdoor lighting for single-family residential uses is subject to the lamp fixture and shielding requirements.
  9. Roadway/Streetlights. Streetlights are allowable as recommended by the public works administrator or town council. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other negative impacts of artificial lighting. They shall not exceed 10,000 lumens per net acre. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
  10. New Public Lighting – Streetlights/Public Property and Rights-of-Way:

- a. All new streetlights are allowed as recommended by public works administrator and town council. They will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. They shall not exceed 10,000 lumens per net acre. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
  - b. Public Property. Properties owned by Hideout such as parks and other community gathering spaces will adhere to all standards as indicated. They will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
  - c. Rights-of-Way. All rights-of-way will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
  - d. All new public lighting will be part of the planning and zoning process in which public buildings, public property and rights-of-way lighting is determined. This will be incorporated as part of the zoning process moving forward to ensure compliance with this chapter.
11. Prohibited Lighting:
- a. Up lighting to illuminate buildings, other structures or vegetation.
  - b. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including temporary holiday lighting.
  - c. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.
  - d. Searchlights, laser source lights or any similar high intensity light.
  - e. Except when used in window signage pursuant to subsection (10.16.06 (4.C) of this section, neon or luminous tube lighting, either when outdoor mounted or indoor mounted, if visible beyond the property boundaries.

#### **10.16.10 LIGHTING CONTROL.**

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

#### **10.16.12 IMPLEMENTATION.**

1. New Uses, Buildings and Major Additions or Modifications: All building permit applications must include an outdoor lighting plan which includes the following information:
  - a. The location of all existing and proposed light fixtures (may be included on site plan).
  - b. Specification sheets for all existing and proposed light fixtures.
  - c. Acknowledgement that the Applicant has received notification of this Article.
  - d. Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this code section shall occur during the final electrical inspection done by the towns designated building inspector.

2. Minor Additions or modifications: If the work requires a permit than the procedures shall be the same as for a Major addition.
3. New Lighting. Any new lighting on the site shall meet the requirements of this code with regard to shielding and lamp type; the total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this code, whichever is larger.
4. Resumption of Use after Abandonment. If a property or use with nonconforming lighting is abandoned, then all outdoor lighting shall be reviewed and brought into compliance with this code before the use is resumed.
5. Existing Lighting: On or before five years, all outdoor lighting shall comply with this code. This may be done through replacement or retrofitting.
6. Public Roadways:
  - a. In general, this code does not apply to county and state rights-of-way. However, all new streetlights on such roadways or rights-of-ways must be fully shielded.

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#### **10.16.14 ENFORCEMENT AND PENALTIES.**

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

1. The penalty for violation of any portion of this chapter shall be:
  - a. First Notice. A notice to the property owner requesting compliance within three months.
  - b. Second Notice. If after three months the violation exists a notice will be given to appear before the Hideout Town Council to discuss options to come into compliance.
  - c. Third Notice. If after six months a violation of the provisions of this chapter shall be an infraction punishable by penalties up to \$1,000 per day per residential/commercial unit.
2. Violations regarding 10.16.10 lighting control (not withstanding 10.16.14.1) :
  - a. First notice. A notice to the property owner requesting compliance within 72 hours.
  - b. Second notice. If after 72 hours a violation of this light control shall be an infraction punishable by penalties up to \$50 per day until compliance.

#### **10.16.16 CONFLICTS.**

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

ORDINANCE #2022 – O – \_\_\_\_\_

ORDINANCE ENACTING TITLE 9 CHAPTER 03 “WATER CONSERVATION”

WHEREAS, a reliable supply of potable and irrigation water is essential to the public health, safety, and economy of Hideout; and,

WHEREAS, water supply is a limited resource that needs to be protected and managed for the present and future uses; and

WHEREAS, water use has continued to rise in a manner that has the potential to exhaust and over tax existing water resources; and

WHEREAS, careful water management should include active water conservation measures not only in times of drought, but at all times and,

WHEREAS, the adoption and enforcement of a water conservation program is prudent to manage Hideout’s water resources and thereby ensure a reliable and sustainable supply of water for the residents and to minimize the effects of drought and shortage;

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

SECTION I: Title 10 Chapter 03 in hereby enacted as written in Exhibit A.

SECTION II: Effective Date. This ordinance shall take effect upon publication.

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 11th day of August in the year 2022.

TOWN OF HIDEOUT

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

ATTEST:

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

## **Chapter 9.03 WATER CONSERVATION**

### **9.03.010 Findings And Purpose**

### **9.03.020 Definitions**

### **9.03.030 Limited Watering Days And Watering Hours**

### **9.03.040 Hardship Waiver**

### **9.03.050 Penalties And Violations**

#### **9.03.010 Findings And Purpose**

The Town Council finds that it is in the best interest of Town of Hideout and its water resources to encourage wise use of this important asset. As the state is subject to periodic droughts and water shortages, these trends have created water deficits in numerous watersheds which effect the Town. The ongoing water deficits demonstrate that water conservation is a prudent step for Town of Hideout and its Water Users. Town of Hideout desires to be proactive in the implementation and enforcement of water conservation efforts.

#### **9.03.020 Definitions**

The following words and phrases whenever used in this chapter have the meaning defined in this section:

"Landscape area" means a lawn, landscape, garden, pasture, or other area of irrigable land.

"Park" means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

"Water User" means any person using water provided by the Town.

#### **9.03.030 Limited Watering Days And Watering Hours**

- A. Watering of residential lawns, landscape area or other vegetated areas shall only occur between the hours of 8:00 pm and 8:00 am. MST.
- B. Watering or irrigating of lawn, landscape area or other vegetated area shall be limited to three days per week on the following schedule:
  1. Even numbered street addresses: Monday, Wednesday, and Friday
  2. Odd numbered street addresses: Tuesday, Thursday, and Saturday
  3. No watering on Sunday except for Churches, Schools, and Parks.
  4. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
  5. Leaks, breaks or malfunctions in the user's plumbing or distribution system must be repaired within seventy-two hours of notification by the Town unless arrangements are made with the Town.
- C. New lawns and landscaping are exempt from the day of the week restrictions for the first thirty (30) days of installation. However, such watering shall be limited to the minimum necessary. Watering should be conducted between the hours of 8 p.m. and 8 a.m. Documentation to verify the

date of planting shall be made available upon request.

Item # 2.

- D. Watering for the purpose of applying insecticides, fungicides, and herbicides where such watering is required by the manufacturer or by federal or state law shall not be restricted by days of the week. However, such watering shall be limited to the minimum necessary. Documentation to verify the date of application shall be made available upon request.

### **9.03.040 Hardship Waiver**

A waiver may be granted or conditionally granted only upon written finding of the existence of facts demonstrating an undue hardship to a Water User using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property due to specific and unique circumstances of the property.

- A. An application for a waiver must be on a form prescribed by the Town.
- B. Supporting Documentation. The application must be accompanied by photographs, maps, drawings, and other information, including a written narrative detailing the reason a waiver should be granted.
- C. An application for a waiver will be granted only if the information provided in the application and supporting documentation for the property meet all of the following:
1. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other Water Users;
  2. That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to Water Users generally;
  3. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the Town to effectuate the purpose of this chapter and will not be detrimental to the public interest; and
  4. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.
- D. The Approval Authority shall be deemed to be the Town Administrator. The Town Administrator must act upon any completed application no later than fifteen (15) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property and only during the watering season in which it is issued. The decision of the Town Administrator will be final.

### **9.03.050 Penalties And Violations**

The Town and its duly assigned representative(s) shall seek compliance with or enforcement of this chapter for failure to comply with any provision of the ordinance by assigning the following penalties and violations.

- A. First Violation: Town of Hideout will issue a written warning and deliver a copy of this ordinance by mail.
- B. Second Violation: A one-hundred (\$100.00) dollar fine will be included on the next month utility bill.
- C. Third Violation: The water service will be locked and a two-hundred (\$200.00) dollar fee will be required for removal of the lock and reinstatement of service.



**From:** Redacted  
**To:** Redacted  
**Subject:** Comment For Town Council Meeting 8/11/2022 - Agenda Item 2 Water Conservation Ordinance  
**Date:** Thursday, August 11, 2022 6:10:10 PM

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I applaud the Town's intention of supporting water conservation, however I believe the proposed ordinance that focuses solely on controlling exterior landscape irrigation is not appropriate.

The residential water rates in the Town are currently \$91.25 for the first 10,000 gallons with graduated rates for useage above that. However, 10,000 gallons is a lot for a typical household in Hideout and I suggest the Town look into lowering the base rate volume of water to not more than 4,000 gallons which should generally be sufficient for interior domestic water use of most households in Hideout with 2 or fewer persons residing in a typical Hideout home which I believe is the vast majority of residents. Then have graduated rates for usage of 4,001 - 7,000 , 7,001 to 10,000 and every 5,000 gallons thereafter as that will encourage residents to work to conserve water even if they don't have exterior landscaping they're directly responsible for watering - which is most of the residents in Hideout due to the HOAs irrigating the majority of residents' landscaping and it would also encourage those HOAs to also work to conserve water for their landscape irrigation.

The approach proposed is trying to control what people do with the water instead of leaving the control in the hands of the residents and providing financial incentives to act wisely. For example, if John takes two showers a day for 40 minutes each he's using around 3,000 gallons per month for just showers, but that would be completely fine under the proposed ordinance and still leaves them with lots of water in their base rate 10,000 gallon allocation to run the dishwasher, flush toilets, wash hands, laundry, etc. and they pay the same \$91.25 per month. However, John's neighbor Paul takes just one 5 minute shower per day they use only 325 gallons per month on showers and it seems unjust to restrict Paul from using the 2,675 gallons of water he saves on showers (as compared to John) and tell Paul when he can use that water to irrigate landscaping. I'd much rather have more Pauls than Johns who are focused on water conservation no matter where its used than try to control what people can and can't do with water.

The linked article from the Organization of American States includes the following (<https://www.oas.org/usde/publications/unit/oea59e/ch31.htm>):

"Placing an economic value on freshwater is the principal means of achieving water conservation. Pricing provides a financial incentive to conserve water. Rate structures may be variable and/or graduated, with prices fixed on the basis of class of service (residential versus industrial or agricultural, for example) and quantity used (for example, the unit price for quantities below 400 l/day might be significantly lower than for quantities which exceed that amount for a single-family residence). Pricing has the advantage of minimizing the costs of overt regulation, restrictions, and policing, while providing a high degree of freedom of choice for individual water customers."

Respectfully,  
Bret Rutter

Wasatch County Population  
 Animal Control - Percentage Allocation  
 April 2022 Sales Tax Population Estimates

City	Population	Percent	County Percentage
Heber	16,856	48.38%	
Midway	6,003	17.23%	
Interlaken	179	0.51%	
Hideout	992	2.85%	
County & Other Cities	10,810	31.03%	31.03%
	<u>34,840</u>	<u>100.00%</u>	<u>31.03%</u>

2022/2023 Proposed Budget	\$ 376,420
Less Animal Control Revenues	<u>\$ (15,553)</u>
Net to Allocate	\$ 360,867

Heber	48.38%	\$ 174,592
Midway	17.23%	\$ 62,178
Interlaken	0.51%	\$ 1,854
Hideout	2.85%	\$ 10,275
County & Other Cities	31.03%	\$ 111,968
	<u>100.00%</u>	<u>\$ 360,867</u>