

ORDINANCE NO. 09-14

AN ORDINANCE ADOPTING A ANNEXATION PLAN FOR THE TOWN OF HIDEOUT UTAH

**WHEREAS**, the town of Hideout, Utah, was recently incorporated and is without a Annexation Plan for the Town; and,

**WHEREAS**, pursuant to Section 10-2-401.5 et.seq. of the Utah Code, a Annexation Plan has been prepared for recommendation by the Planning Commission, to the Town Council; and

**WHEREAS**, the Planning Commission has reviewed the Annexation Plan and has considered input from the public thereon, and has forwarded the plan to the Town Council with a recommendation that it receive their approval; and,

**WHEREAS**, it is determined to be in the best interest of the Town of Hideout and its Citizens that the General Plan be adopted and approved.

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

**SECTION I: Repealer.** If any provisions of the Town's Code heretofore adopted are inconsistent herewith, they are hereby repealed.


**SECTION II: Enactment.** The Annexation Plan for the Town of Hideout, Utah , including the Annexation Plan Map and all other accompanying documents attached hereto and incorporated herein by this reference, are hereby adopted and enacted into law as the Town of Hideout General Plan.


**SECTION IV: Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**SECTION V: Effective Date.** In order to protect the health, safety and welfare of the citizenry and public at large, this ordinance shall go into effect immediately upon posting.

**PASSED AND ADOPTED** by the Town Council of Hideout, Utah, this 30<sup>th</sup> day of December, 2009.

ATTEST:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
RICHARD H. SPRUNG, Mayor

**TOWN OF HIDEOUT  
ANNEXATION POLICY PLAN**

**November 2008**

## **ANNEXATION POLICY PLAN TOWN OF HIDEOUT**

In accordance with the provisions of 10-2-400, Utah Code Annotated, all municipalities within the State, except Salt Lake County, are required to adopt an Annexation Policy Plan. In this Annexation Policy Plan, the cities are required to develop an expansion area map and to plan for the future growth of the community for the next 20 years. The annexation area plan shall incorporate the long range planning objectives contained in the general plan of the community and shall represent a graphic illustration/representation of the areas that the city intends to provide services to within the 20-year period.

The Annexation Policy Plan is created by the City to guide decision making regarding future annexations petitions. It also helps the City plan for future expansion in conjunction with neighboring political entities. Open communication between the City and other political entities, particularly the County, is a priority in the process of developing the Annexation Policy Plan.

The City shall adopt and maintain an expansion area map that represents the 20-year growth boundary which includes territories outside, but adjacent to, the community that may be annexed into the City. These areas are not bordered by any other municipality. Even though the proposed properties may lie within the expansion area, there is no guarantee that the annexation request will be approved by the City. The petition for annexation may require additional requirements than those contained in the current Annexation Policy Plan. The map of the expansion area is included in this plan and incorporated herein by reference.

Areas to be annexed must be contiguous to the corporate limits of the Town of Hideout at the time of submission of the annexation request.

The Town of Hideout shall avoid gaps between or overlaps with the expansion areas of other municipalities.

Proposed annexations will not be approved if they create an island or peninsula, as described in the State Code, of the unincorporated area.

### **ANNEXATION POLICY**

The following is a statement of the criteria the Town of Hideout will use in determining whether or not to approve future annexation proposals.

#### **I. CHARACTER OF THE COMMUNITY**

The Town of Hideout is a beautiful small town with unparalleled views of the Jordanelle Reservoir and surrounded by striking scenery. It is located about 30 miles from Salt Lake City, and centrally located at the hub of three world-class ski resorts: Park City is 5 miles to the West; The Canyons ski resort is 10 miles to the Northwest; and Deer Valley is 5

miles to the West and viewable from most town residents' windows. The Town of Hideout is a high-amenity mountain valley community which provides an excellent location for individuals and families interested in an outdoor lifestyle surrounded by a scenic environment. The relatively close commute to surrounding areas has attracted, and will continue to attract, a large number of people who want to live in this community but are willing to commute to work and shopping within reasonable driving distances from the City. This poses a rather unique problem for the community that affects its growth and development. For this and other reasons, Hideout's tax base needs more diversification, specifically permanent jobs and commercial services. Thus, developing an annexation policy that deals with the specific issues of the Town of Hideout will have a significant impact on the future quality of life and development of the Town of Hideout.

Because the Town of Hideout is centrally located near three major ski resorts, it is not uncommon for a significant number of commuters who are service area workers supporting the tourist and Winter sports activities of the Park City area that may have difficulty finding affordable housing in the area of their employment. As a result, they may find residing within the Town of Hideout and commuting to their areas of employment attractive alternative. However, the problem with this is that it places a larger burden upon the Town of Hideout and its residential services. It is very important that Hideout's policies on dealing with growth and annexation support a balanced tax base and diversification of commercial, economic, and resident employment opportunities.

The Town of Hideout's existing City boundaries are in process of being built out, especially residential areas. New residential or general growth expansion will require annexation. It is very important that the Town of Hideout take a long-range view, at least 20 years, if not longer, for its potential for expansion. The Town of Hideout may run out of developable land in 10 years and may find itself surrounded by County-developed properties with different standards, which could impede further development of the City in its natural growth area. Identifying the 20-year growth boundary needs to be a little generous so that it does not limit beneficial growth which the Town of Hideout may experience. At the same time, it needs to be in areas where the Town of Hideout can efficiently extend municipal services and always discourage leap frog or rural sprawl development which increases the costs and places a higher tax burden on the citizens.

**POLICY STATEMENT:  
DEVELOPMENT IN ANNEXED AREAS CONSISTENT WITH THE GENERAL  
PLAN**

The Town of Hideout has adopted a General Plan for future development in those extraterritorial areas of interest for future annexation as indicated in this Policy Declaration. This General Plan considers proposed land uses as well as the nature and density of development desired in each particular area. Any proposed development in an area to be annexed must be consistent with the General Plan; notwithstanding the said General Plan may be amended from time to time as deemed necessary and appropriate.

**POLICY STATEMENT:  
PLANNING AND ZONING COMMISSION TO REVIEW ANNEXATION**

In order to facilitate orderly growth and development in the Town of Hideout, the Planning Commission shall review all proposed annexations and make recommendations to the Town Council as set forth in the state statute.

**POLICY STATEMENT:  
ANNEXATION TO BE CONSIDERED ONLY IN AREAS OF POTENTIAL  
URBAN SERVICE**

The Town of Hideout's policy is to consider annexation only in those areas where the Town has the potential to provide urban service (either directly or through inter-local cooperative agreement). These areas may include locations served or to be served by urban services.

**POLICY STATEMENT:  
ISLANDS AND PENINSULAS OF UNINCORPORATED AREAS TO BE  
ANNEXED**

The Town of Hideout encourages islands and peninsulas to become annexed to the Town of Hideout. As provided for by State Code, the Town of Hideout will provide services for up to one year. The Town of Hideout may, upon the initiative of the Town Council and without receipt of a petition therefore, extend its corporate boundaries to include such territory, notwithstanding filing of a written protest for such annexation as provided by law. It is the intent of the Town of Hideout to exercise its initiative in this regard.

**II. MUNICIPAL SERVICES IN UNDERDEVELOPED AND  
UNINCORPORATED AREAS**

A fundamental policy is that if some one desires urban services, he ought to be annexed into the Town. In most of the residential areas, urban services have been extended. Full service needs to eventually be extended as the areas further develop.

**POLICY STATEMENT:  
MUNICIPAL SERVICES IN THE UNINCORPORATED AREAS**

The Town Council may extend municipal services to the unincorporated areas if they find that such expansion is consistent with the overall Annexation Policy Plan and General Plan and will not present barriers for future annexation consistent with the General Plan and Annexation Plan.

**III. PLAN FOR EXTENSION OF MUNICIPAL SERVICES**

The plan for extension of municipal services is represented in the General Plan for Public Facilities. These adopted policy documents are developed around the physical land use

plan development map which includes the 20-year growth boundary. An important component of this extension of municipal services is the ability of the Town to effectively serve these areas.

**POLICY STATEMENT:  
HIGH QUALITY MUNICIPAL SERVICES TO BE PROVIDED**

It is the policy of the Town of Hideout to extend a high quality of municipal services delivered efficiently throughout the Town, including areas of annexation. Further, the Town promotes the equitable distribution of community resources and obligations. Such services may be provided directly by the Town of Hideout, through inter-local cooperative service agreements, or through creation of such special improvement districts as determined by the Town to be in the best public interest of its citizens.

**POLICY STATEMENT:  
COMPLIANCE WITH STANDARDS AND REGULATIONS**

It is the policy of the Town of Hideout to require development in annexed areas to comply with Town standards and regulatory laws. This includes the Town's Building Code, Subdivision and Zoning Ordinances, and Construction Standards for street width, curbs, gutters, sidewalks, street lighting, road signs, and other utilities. However, existing development may be annexed as legal nonconforming development and uses, consistent with the Town of Hideout's Code dealing with nonconforming uses.

**POLICY STATEMENT:  
AVOID ENVIRONMENTALLY SENSITIVE AREAS**

It is the policy of the Town to avoid development of wetlands, steep-slope, critical environmental habitat areas, shrink-swell soils or any other environmental conditions that threaten the integrity of the Town infrastructure unless, in the annexation agreement, the developer can show how they will mitigate these issues in conformance with the Town Ordinances, Code and Federal and State Regulations.

**IV. FINANCING SERVICES**

It has been a fundamental policy of the Town that developments finance their extension of municipal services. Impact fees derived from the development may fill some of the gaps in providing services to the developed areas; but development within expanded areas needs to be the primary responsibility of the developer or property owner.

**POLICY STATEMENT:  
MUNICIPAL SERVICES ON AN AS-NEEDED BASIS**

In areas where municipal services are not presently extended, services will be extended on an as-needed basis at the cost of the developer. All extensions of municipal services

must comply with all Town ordinances and policy criteria and will be paid for by the individual developer or property owner.

**POLICY STATEMENT:  
ANNEXATION AGREEMENT**

An annexation agreement, which will be recorded, will be prepared between the Town and property owners outlining specific circumstances relating to water, sewer, and streets, and other specific improvements after review by the Planning Commission, and prior to final annexation approval by the Town Council.

Water rights of the type and quantity acceptable to the Town of Hideout that can be utilized for underground water rights (culinary, secondary), shall be required to be conveyed to the Town of Hideout as a condition of development, subdivision approval or issuance of a building permit on property annexed into the Hideout limits.

It is the intent that land annexed to the Town of Hideout be accompanied by water rights sufficient to accommodate the needs of the existing and potential occupants of said land when development occurs. The water rights conveyance requirements of development shall be in addition to any requirement that may be imposed upon development of land after annexation and in addition to appropriate Hideout impact fees.

Water requirements, as referenced by the previous paragraphs, will be established on a case by case basis utilizing, among other things, Division of Drinking Water Standards. Specific requirements will be contained in the annexation agreement; but the general guideline of one (1) acre foot of water per residential building permit will be a minimum standard.

The annexation will allow developers of the annexed property access to culinary water, sewer, and other services. In accordance with the Utah Code and the Hideout Code, all developments are required to meet Town Specifications, comply with all applicable development ordinances, and ensure all improvements are installed pursuant to the Town of Hideout Standards.

**POLICY STATEMENT:  
EXTENSION OF ROADS, STREETS AND OTHER VITAL PUBLIC  
FACILITIES**

As a condition of annexation, developments may be required to extend streets, water and sewer, and other vital public facilities consistent with the Town of Hideout Public Facilities General Plan. Development of improvements shall be extended to the edge of property lines.

**V. ESTIMATE OF TAX CONSEQUENCES**

The following is an estimate of tax consequences to residents both currently within the municipal boundaries and in the expansion area.

It is anticipated that areas annexed into the Town will increase in value, and the tax assessment on newly developed areas, along with impact fees, development fees, and additional revenue assessments will generate revenue to help support the new services. However, the Town needs to constantly monitor and advocate for a balanced tax base through economic promotion and development and by encouraging commercial and service industry.

**POLICY STATEMENT:  
REVENUE AND ANNEXATION**

Consistent with State Law, it is not Hideout's intent to annex territory for the sole purpose of acquiring revenue. However, it is important for a community like Hideout to maintain a balanced tax base.

**POLICY STATEMENT:  
AVOIDING DOUBLE TAXATION**

At the time of the proposed annexation the Town will give consideration to the tax consequences to property owners within the area proposed for annexation, as well as the property owners within the municipality, in order to prevent double taxation and to ascertain the annexation will not be a tax liability to taxpayers within the municipality.

**VI. INTERESTS OF AFFECTED ENTITIES**

The affected entities are municipalities, the school district, special service districts, county government and the Bureau of Reclamation (BOR). Input from affected entities shall be requested. After a draft Annexation Policy Plan is developed, or amendments are incorporated thereto, affected entities will be notified. Each Petition for Annexation shall include a concept plan as outlined in the development code. What is required in the concept plan at the time of filing the Petition for Annexation is limited to the best knowledge of the Petitioner at the time of said filing. This requirement to submit a concept plan with the petition, shall in no way limit or restrict changes, amendments, alterations or modifications to said concept plan throughout the annexation and development process as may be desired either by the Petitioner, Developer, Planning Commission or Town Council.

It is important that both the school district and the County be notified of the policies and guidelines for annexation. The school district should coordinate their future development and facility needs consistent with the growth plans for the Town. The County should have growth policies that reinforce and are complementary to the Town's growth policies so that a cooperative and coordinated development within the County and Town occur.

**POLICY STATEMENT:  
ANNEXATION OF SCHOOLS**



Due to their neighborhood character, annexation of schools will be considered when the immediate neighborhoods served by the school are annexed into Hideout.

**POLICY STATEMENT:  
COMPLY WITH TOWN STANDARDS**

It is the desire of Hideout that, in the event that parcels of land within the expansion area are planned and developed and are not at the time able to be annexed into the Town, such development will be consistent with Hideout's standards and specifications for streets and public facilities and the County will refer all developments to the Town for review and recommendations.

**VII. JUSTIFICATION FOR EXCLUSION FROM EXPANSION AREA URBAN DEVELOPMENT.**

Hideout shall provide justification for excluding from the expansion area, if applicable, any area containing urban development within ½ mile of Hideout's boundaries.

**VIII. ANNEXATION ANALYSIS**

During the annexation process, and prior to referral to the Town Council by the Planning Commission, the Planning Commission shall evaluate the following items where applicable and may require additional items from the petitioner, if deemed necessary.

**1. Property Features**

Map(s) and documents showing the features on and surrounding the property, including present and proposed Town boundaries, existing land use, proposed zoning, existing buildings, location of existing septic tanks and culinary wells, existing and proposed water, pressurized irrigation, canals and sewer mains and proposed extensions, existing streets and public areas, acreage of property to be annexed, existing utility service providers (including culinary water, sewer, pressurized irrigation, special service districts, and/or other municipal service providers).

**2. Service Needs Assessment**

Future services needed to adequately serve the proposed annexation should be estimated for the following: 1. Police protection (personnel, equipment, and police stations), 2. Fire protection (personnel, equipment, hydrants, fire stations), 3. Public works (additional street lighting, maintenance, construction, garbage collection, street mileage), 4. Parks and recreation (additional park acreage, recreational programs, new facilities), 5. Water (water main construction, maintenance, replacement of old lines, valid water rights), and 6. Sewers (new interceptor lines, additional treatment plan costs and capacity constraints, pump station costs to maintain). 7. Storm drainage (retention vs. detention, connection to existing storm drain systems, flood channels, and outlets).

### 3. Proposed Services: City Costs and Revenue

The cost of development statement should include the additional cost incurred by the Town for all services provided by the Town resulting from the proposed annexation and development. The petitioner should also provide a summary statement of all anticipated building permit, impact fee, sales tax, property tax, and other public revenue generation resulting from the project at build out. This analysis should also include the number of proposed residential, commercial, and industrial units, estimated population at build out of proposed annexation area, current assessed valuation of the proposed annexation area and anticipated assessed valuation at build out, and a summary statement of any financial commitments bound to the property by a Special Service District.

#### **Plan of Services for Proposed Annexation Area**

If the property can be serviced with Town services only through the future construction of onsite or offsite facilities, the Town may negotiate terms and a time frame with the developer for the construction of these services through an annexation agreement with the developer. The annexation analysis should serve as a guide for the Town in its decision as to the form, extent, and content of the annexation agreement.

#### **Annexation Statute (Utah Code Annotated Section 10-2-401):**

This Annexation Policy Plan incorporates and references herein the definitions regarding annexation found in Section 10-2-401 of the Utah Code.

### **VIII. MISCELLANEOUS**

1. Severability. If any section, subsection, paragraph, clause or phrase of this Annexation Policy Plan shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Annexation Policy Plan, which shall remain in full force and effect, and for this purpose, the provisions of this Annexation Policy Plan are declared to be severable.

2. Interpretation. This Annexation Policy Plan has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Annexation Policy Plan shall not be affected by such division or by any heading contained herein.

3. Repealer. All Annexation Policy Plans established, including amendments and modifications to previously existing Annexation Policy Plans, after the effective date of this Ordinance shall comply with the requirements of this Annexation Policy Plan.

### **IX. EFFECTIVE DATE**

The Town Council specifically finds that it is necessary for the immediate preservation of the health, safety and welfare of the present and future inhabitants of the Town that this

ordinance takes effect immediately, and therefore this ordinance shall take effect immediately after passage by the Town Council and subsequent publication and posting as required by law.

# Town of Hideout Annexation Plan

