

TOWN OF HIDEOUT, UTAH

Ordinance No. 2019-4

AN ORDINANCE REGARDING REVIEW OF SUBDIVISION PLANS AND PLATS

WHEREAS the Town Council of the Town of Hideout desires to enhance the health, safety, and well-being of the residents of the Town of Hideout; and

WHEREAS, the Town Council finds that wild fires present a risk to public health, safety, and well-being; and

WHEREAS, the Town Council finds that wild fires also present a risk of adverse economic hardship to the Town of Hideout and its residents; and

WHEREAS the Town Council finds that certain conditions exist in or near the Town of Hideout which contribute to increased risk from wild fires, including, but not limited to, the following:

The area comprising the Town of Hideout has been designated by the Wasatch County Fire District ("**District**"), which provides fire suppression and emergency medical services to the Town of Hideout, as Wildland-Urban Interface zone, indicating that the Town of Hideout is a community that is adjacent to wildlands; and

Wildland-Urban Interface zones are areas that are at increased risk of wild fires; and

Maps generated by the Utah State Division of Forestry, Fire & State Lands show the Town of Hideout and surrounding areas as having an elevated fire risk; and

The topography and flora of the Town of Hideout creates a risk of fast-moving and potentially destructive grass or brush fires; and

The Town of Hideout is bisected by Highway 248, which creates a risk of grass or brush fires ignited by automobile accidents, cigarette butts discarded by motorists, sparks generated by dragging metal, etc.; and

WHEREAS, the Town Council finds that review of subdivision plans and plat maps is one way for the Town of Hideout to enhance public safety; and

WHEREAS, the District has the capacity to provide review and feedback with respect to proposed subdivision plans and plat maps; and

WHEREAS, the District provides review of subdivision plans and plat maps for all new developments within the Wasatch County, and all the municipalities within Wasatch County, except for developments within the Town of Hideout; and

WHEREAS, the Town Council believes additional revisions to the Town Code providing for review of subdivision plats by the District are necessary to enhance public safety and address the issues identified in this Ordinance; and

WHEREAS, Section 1A.01.103 of the Town Code provides that the Town Code may be amended by ordinance; and

WHEREAS, the Town has published notice, as required by law, of its intent to amend the provisions of the Town Code; and

WHEREAS, on December 13, 2018, and January 10, 2019, the Town Council held public hearings to discuss amendments to the provisions of the Town Code regarding the issues identified herein, and the Town Council heard public comment regarding such issues; and

WHEREAS, the Town Council finds good cause for amending the Town Code as provided herein.

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

Section 1 – Recitals Incorporated. The foregoing recitals are hereby incorporated into this Ordinance as findings of fact.

Section 2 – Subdivision Plat Review. Section 11.06.117 of the Town Code is hereby amended to add a new subsection, 11.06.117(20) with the following language:

20. Fire District Review.

a. Without limiting any other provision of this Section, upon receipt of a Preliminary Plan application, the zoning administrator will forward a copy of the Preliminary Plan to the Wasatch County Fire District for review and comment. 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 Preliminary Plan in the form of a written report

which cites to relevant provisions of the International Fire Code or other applicable fire and safety standards. If the Fire District does not provide written comment and feedback within that time, the Fire District will be deemed to have waived the opportunity to do so with respect to such application. Any report received from the Fire District shall be forwarded to the Planning Commission for consideration. A copy of any report 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 Preliminary Plan. If the Planning Commission approves the Preliminary 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.

b. Before any subdivision plat is approved for recording with respect to any subdivision which obtained Preliminary Plan approval prior to the date of this Ordinance, or for which the Fire District review required in subsection (a), 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 in subsection (a), 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.



Section 3 – Public Interest. The Town Council formally finds, on the record, that a compelling, countervailing public interest would be jeopardized by approving applications for subdivisions which do not comply with the provisions and requirements of Section 2 of this Ordinance and the modifications to the Town Code set forth therein. The intent of this Ordinance is that the provisions and requirements hereof apply to all subdivision applications made for any subdivision within the Town regardless of prior vested rights (i.e. any subdivision which has received Final Plan approval but where plat recordation has not yet occurred). This finding is made pursuant to Utah Code § 10-9a-509(1)(a)(ii), as the same exists as of the date of this Ordinance.

Section 4 – Clerk to Update Code. Immediately after the effective date, the Town Clerk is hereby directed to update the official version of the Town Code to reflect the changes identified herein.

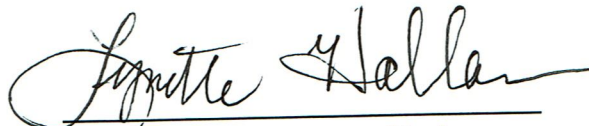
Section 5 – Effective Date. This Ordinance will be effective immediately upon adoption by the Town Council. 1-10-19

WHEREFORE, Ordinance 2019-4 has been **Passed** and **Adopted** by the Town of Hideout.

TOWN OF HIDEOUT



Philip Rubin, Mayor



Lynette Hallam, Town Clerk

Attest:

