

Ordinance 2021-O-03

AN ORDINANCE APPROVING THE DEER SPRINGS PHASES 2A and 2B SUBDIVISIONS, LOCATED IN HIDEOUT, UTAH

WHEREAS, owners of the property known as Deer Springs Subdivision, located in Hideout, Utah, have petitioned the Town Council for approval of final subdivision plats; and

WHEREAS, legal notice of the public hearing was published in the Park Record on February 6, 2021 and March 6, 2021 and on the Utah Public Notice website on February 6, 2021 and March 6, 2021 according to the requirements of the Hideout Municipal Code; and

WHEREAS, the Planning Commission held a public hearing on April 28, 2021 to receive input on the proposed subdivision plats; and

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

WHEREAS, on May 13, 2021 Town Council held a public hearing on the subdivision plats; and

WHEREAS, it is in the best interest of Hideout, Utah to approve the Deer Springs Phase 2A & Deer Springs Phase 2B Subdivision plat in that these subdivision plats are intended to comply with the Hideout Municipal Code, the 2018 Master Development Agreement (MDA), and the Technical Reports prepared by the Town Staff as well as all other recorded agreements.

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

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

Findings of Fact

1. The Phase 2A and 2B plats, as currently presented, are a reconfiguration/renaming of Deer Springs Phase 2 and Phase 3 subdivisions (per the overall Phasing Plan dated 29 April 2020).
2. The property is located within the Town of Hideout along Belaview Drive.
3. For Phase 2A, the total plat area is approximately 8.669 acres and includes 50 lots.
4. For Phase 2B, the total plat area is approximately 5.708 acres and includes 24 lots.
5. The total number of units for both phases was reduced from 77 units to 70 units; a reduction of seven (7) units for Phase 2A and 2B.
6. The Applicant worked with Town Staff to reconfigure the layout and eliminate the majority of the retaining walls.
7. Zoning for the property is Mountain Residential (MR).
8. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on July 12, 2018. The MDA has an allowance for up to 248 units.
9. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.

10. No changes are proposed to the existing road alignment or uses associated with this plat.
11. The final plats are required to be approved and signed by the Jordanelle Special Services District prior to recordation to ensure that requirements of the District are addressed.
12. Each Phase 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 2018 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 Master Development Agreement (MDA) must be amended to reflect the new phasing plan prior to recordation of any plats.
2. 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.
3. 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.
4. 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.
5. 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.
6. The Applicant shall provide an complete set of updated construction plans, and address all engineering and planning comments prior to approval
7. The Applicant shall provide an updated plat, and address all comments from planning, engineering, and legal
8. The Applicant agrees to complete subdivision construction permit, pay all required fees and post all required bonds before starting construction.

9. All approved public trails, consistent with the Master Development Agreement and the Parks Open Space & Trails (POST) Plan, shall be shown on the plats.
10. 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 Ordinance 2021-xx.
 - b. 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.
 - c. A fire protection and emergency access plan shall be submitted and approved by the Wasatch County Fire District prior to the issuance of any building permits.
 - d. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
 - e. 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.
 - f. Existing public trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements and are subject to reasonable relocation by the Owner subject to Town Planner approval.
11. 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.
12. 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.
13. 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.
14. AGEC's concerns and comments must be addressed and adequately resolved regarding the landslide deposits in the area of Phases 2-4. Approval is dependent on the development being considered safe from a geological hazard perspective.
15. AGEC's concerns and comments must review and approve an updated retaining wall design report. Where applicable and pertinent to the updated plans, AGEC's most recent comment letter must also be addressed.
16. Per the Planning Commission's recommendations, the Applicant has eliminated some four-plex units and created a few duplex and triplex units in Phase 2A to create additional variation in neighborhood character. There are only four-plex units proposed for Phase 2B. The Applicant shall work with the Town Planner and Town Engineer in an attempt to further reduce the number of four-plex units and increase the number of duplexes and triplexes. The Applicant shall also work with the Town Engineer and Town Planner to increase horizontal and vertical articulation (FFL grade variation) and a minimum of 4'-0" horizontal step backs should be incorporated for each individual unit whether part of a duplex, triplex or four-plex.
17. Park/Playground: The Applicant agrees to amend the MDA and construct the park simultaneously with subsequent Phase 3 and to be completed before any sales of Phase 3 units.
18. The proposed amenities and detailed site design for the park have not been provided and shall be included in the construction plan set. The final design must be approved by the Planning Commission. At minimum, this park shall be 3.5 acres in size and include:

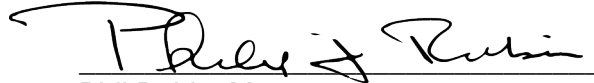
- i. A gazebo, approximately 20 x 20 feet in size, with stone columns and cedar shingle roof;
 - ii. A playground;
 - iii. Two (2) pickleball courts;
 - iv. Sidewalks;
 - v. Six (6) benches;
 - vi. Open lawn for play;
 - vii. Appropriate trees and shrubs; and
 - viii. A small parking lot is also provided for convenience.
 - b. In order to accommodate the needs of dogs and their owners and to avoid infringing on the rights and contentment of others, a 1.3-acre dog park will be provided. There will separate areas for large and small dogs. The park will include:
 - i. Fencing: black vinyl-coated chain link fence, 4 feet in height
 - ii. A total of eight (8) benches;
 - iii. Waste stations; and
 - iv. Lawn and trees.
 - c. Dripline irrigation for the trees and shrubs must be incorporated into the landscape.
 - d. No fencing is proposed or approved. No chain link fencing is permitted around the park.
 - e. The street lights must be dark-sky compliant fixtures.
 - f. A detailed plan of the park and amenities must be provided for review and approval by the Town Planner.
 - g. The above items must be reviewed and approved by the Town Planner prior to implementation.
19. Snow storage areas must be delineated on the plats.
 20. Trails: Proposed trails (and surface type) to be completed as part of Phases 2A and 2B shall be included on the construction plan set and noted on the proposed subdivision with an easement to allow public use for pedestrians and bikes.
 21. Streetscape amenities; lighting, signage, etc. shall be provided – construction details, sign type (if proposed), and materials/colors.
 22. A Landscape Plan shall be provided for all of Phases 2A and 2B (and the park area) prior to commencement of any construction (and prior to issuance of any Building Permits) on any subsequent phases. 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.
 23. The Applicant shall submit a Construction Mitigation Plan (CMP) that will be approved by the Town Planner and Town Engineer.
 24. A subdivision construction permit, improvement agreement, and all fees and bonds will be required prior to any construction.
 25. The final plats (mylar) is subject to review may require additional notes and corrections.
 26. Recording of the subdivision will require a performance bond in accordance with current Town code, or formal acceptance of all improvements prior to recordation.
 27. Resolve ACOE and DEQ concerns regarding damage to wetlands and contamination of the waterway in phase 1 prior to approval
 28. Restore the JSSD lift station emergency pond prior to acceptance of any additional phases.

The exact language of the plat notes shall be finalized by the Town Attorney, Town Planner and Town Engineer as necessary to implement these conditions of approval and applicable provisions of the Hideout Municipal Code or State Code prior to Mylar signatures by the Town.

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

PASSED AND ADOPTED this 13th day of May, 2021

TOWN OF HIDEOUT


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk



Exhibit

Exhibit B – Proposed subdivision plat for Deer Springs Phase 2B

