

## Ordinance 2021-O-17

### AN ORDINANCE APPROVING THE DEER WATERS PHASE 4 SUBDIVISION, LOCATED IN HIDEOUT, UTAH

WHEREAS, owners of the property known as Deer Waters 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 initially published in the Park Record on March 6, 2021 and on the Utah Public Notice website on March 8, 2021 according to the requirements of the Hideout Municipal Code; and

WHEREAS, the Planning Commission held a public hearing on March 18, 2021 to receive input on the proposed subdivision plats (Phase 3 and 4); and

WHEREAS, the Planning Commission, on March 18<sup>th</sup> conducted a public hearing and forwarded a positive recommendation (Phase 3 and 4) to the Town Council; and

WHEREAS, on April 8, 2021 Town Council held a public hearing on the subdivision plats (Phase 3 and 4) and approved both phases; and

WHEREAS, the Applicant did not record the Phase 4 plat within the required six (6) month timeline per Town Code and must re-apply for approval of the Phase 4 plat; and

WHEREAS, legal notice of the public hearing was published on the Utah Public Notice website on November 8<sup>th</sup>, 2021 according to the requirements of the Hideout Municipal Code and also published on the Town of Hideout's website and posted at three physical locations around Town; and

WHEREAS, the Planning Commission held a public hearing on November 18, 2021 to receive input on the proposed subdivision plat; and

WHEREAS, the Planning Commission held a public hearing on November 18, 2021 and forwarded a positive recommendation to Town Council for the proposed subdivision plat; and

WHEREAS, on December 9, 2021 the Hideout Town Council held a public hearing on the subdivision plat (Phase 4); and

WHEREAS, it is in the best interest of Hideout, Utah to approve the Deer Waters Phase 4 Subdivision plat in that this subdivision plat is intended to comply with the Hideout Municipal Code 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 Exhibit A are approved subject to the following findings of fact, conclusions of law, and conditions of approval which are generally the same as those approved by the Town Council on April 8, 2021:

### Findings of Fact

1. The Phase 4 subdivision plat was previously approved by the Planning Commission and Town Council (April 8, 2021) but expired prior to plat recordation. The currently proposed Phases 4 is the same land area and unit mix as the originally approved Phase 4
2. The property is located within the Town of Hideout along Shoreline Drive.
3. For Phase 4, the total plat area is approximately 5.77 acres and includes 22 lots.
4. Zoning for the property is primarily Mountain Residential (MR).
5. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on September 18, 2017. The originally approved density was 54 units; the Town and the developer informally negotiated a reduction of ten (10) units in October 2020. The proposed subdivision plats reflect this reduction and the total permitted density is 44 lots (units).
6. A park is proposed on the southwest corner of Phase 4.
7. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.
8. No changes are proposed to existing road alignment or uses associated with this plat.
9. 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.
10. Snow storage areas have been delineated on the plats.
11. Each Phase will have a separate final subdivision plat associated with it.

### Conclusions of Law

1. The subdivision plat, as conditioned, complies with Hideout Municipal Code, Title 12 and the 2017 Master Development Agreement.
2. The subdivision plat, as conditioned, is consistent with the applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision 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 plat, 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 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. 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.
4. 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.

5. All approved public trails, consistent with the Master Development Agreement and the Parks Open Space & Trails (POST) Plan, shall be shown on the plats.
6. 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-O-17.
  - 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.
7. All streets are indicated at 26'-0" wide (23'-0" of asphalt plus curb and gutter). The Applicant agreed to meet the current Town Code requirements (26'-0" of asphalt plus curb and gutter); and a paved bike lane shall be incorporated into all new streets per Town code.
8. The Applicant has proposed offstreet visitor parking at four (4) locations throughout the development area (Phase 3 and Phase 4). These four (4) areas contain thirteen (13) parking spaces as per the plan set. The Applicant will incorporate between four and six additional parking spaces along Road D per Town Planner review.
9. Sheets G1.10 and G1.11 of the construction plan set should be updated to include 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.
10. Park/Playground: The park must be completed by October 31, 2022 (this has been extended from the November 30, 2021 date that was included in the April 8, 2021 Ordinance for Phases 3 and 4).
  - a. 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 include:
    - i. Two (2) sports courts; pickleball courts with a small fence (black vinyl coated chain link fencing or similar may be approved by the Town Planner) surrounding the courts at a height in accordance with the standards recommended by the USA Pickleball Association – the fence should be designed to preserve views into and out of the park area
    - ii. A playground w/play equipment for kids
    - iii. Seating and picnic areas (at least three separate locations)
    - iv. Landscaping including shade trees that connect to the trail landscaping
    - v. Two (2) bike racks

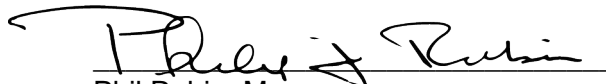
- vi. Four (4) benches around the pickleball courts (in addition to the other benches illustrated on the plan set)
  - vii. While no trash cans are proposed for the site, two (2) signs reminding users to remove any trash they bring in.
  - viii. Dripline irrigation for the trees and shrubs
  - ix. No fencing is proposed or approved. No chain link fencing is permitted around the park.
  - x. The above items must be reviewed and approved by the Town Planner prior to implementation.
11. Trails: Proposed trails (and surface type) to be completed as part of Phase 4 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.
  12. Streetscape amenities; lighting, signage, etc. shall be provided – construction details, sign type (if proposed), and materials/colors.
  13. A Landscape Plan shall be provided for all of Phase 4 prior to commencement of any construction (and prior to issuance of any Building Permits) on Phase 4. 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.
  14. The Applicant shall submit a Construction Mitigation Plan (CMP) that is approved by the Town Planner and Town Engineer.
  15. A subdivision construction permit, improvement agreement, and all fees and bonds will be required prior to any construction.
  16. A final plat (mylar) is subject to review may require additional notes and corrections.
  17. Recording of the subdivision will require a performance bond in accordance with current Town code, or formal acceptance of all improvements prior to recordation.

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 TWon.


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

PASSED AND ADOPTED this 9<sup>th</sup> day of December, 2021.

TOWN OF HIDEOUT

  
Phil Rubin, Mayor

ATTEST:

  
Alicia Fairbourne, Town Clerk



