

**MASTER DEVELOPMENT AGREEMENT
FOR
DEER WATER RESORTS**

September 18, 2017

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WHEN RECORDED, RETURN TO:

Bruce R. Baird
Bruce R. Baird PLLC
2150 south 1300 East # 500
Salt Lake Town, UT 84106

**MASTER DEVELOPMENT AGREEMENT
FOR
DEER WATERS RESORT**

THIS MASTER DEVELOPMENT AGREEMENT is made and entered as of the
— day of July, 2017, by and between the Town of Hideout, a political subdivision of
the State of Utah, and Western States Ventures, L.L.C. a Utah limited liability company.

RECITALS

- A. The capitalized terms used in these Recitals are defined in Section 1.2, below.
- B. Developer owns and is developing the Property.
- C. The Jordanelle Special Service District owns the JSSD Parcel;
- D. Developer intends as a part of the Project to purchase the JSSD Parcel and dedicate the JSSD Parcel to Hideout;
- E. Developer and the Town desire that the Property be developed in a unified and consistent fashion pursuant to the Concept Plan and this MDA.
- F. Development of the Property pursuant to this MDA is acknowledged by the parties to be consistent with LUDMA and the Zoning Ordinance and to operate to the benefit of the Town, Developer, and the general public.
- G. The Town Council has reviewed this MDA, including the Concept Plan, and determined that it is consistent with the Act, the Zoning Ordinance and development of the Property.

H. The parties acknowledge that development of the Property pursuant to this MDA will result in planning and economic benefits to the Town and its residents by, among other things requiring orderly development of the Property, increasing property tax and other revenues to the Town based on improvements to be constructed on the Property.

I. Development of the Property pursuant to this MDA will also result in benefits to Developer by providing assurances to Developer that it will have the ability to develop the Property in accordance with this MDA.

J. Developer and the Town have cooperated in the preparation of this MDA.

K. The parties desire to enter into this MDA to specify the rights and responsibilities of the Developer to develop the Property as expressed in this MDA and the rights and responsibilities of the Town to allow and regulate such development pursuant to the requirements of this MDA.

L. The parties understand and intend that this MDA is a "development agreement" within the meaning of, and entered into pursuant to the terms of Utah Code Ann. §10-9a-102 (2017).

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town Developer hereby agree to the following:

TERMS

1. **Incorporation of Recitals and Exhibits/ Definitions.**

1.1. **Incorporation.** The foregoing Recitals and Exhibits "A" - "D" are hereby incorporated into this MDA.

1.2.**Definitions.** As used in this MDA, the words and phrases specified below shall have the following meanings:

- 1.2.1. **Act** means the Land Use, Development, and Management Act, Utah Code Ann. §§ 10-9a-101, *et seq.* (2016).
- 1.2.2. **Administrator** means the person designated by the Town as the Administrator of this MDA.
- 1.2.3. **Applicant** means a person or entity submitting a Development Application.
- 1.2.4. **Buildout** means the completion of all of the development on the entire Project in accordance with the approved plans.
- 1.2.5. **Concept Plan** means that plan for the development of the Project attached as Exhibit “B”.
- 1.2.6. **Council** means the elected Town Council of the Town.
- 1.2.7. **Default** means a material breach of this MDA as specified herein.
- 1.2.8. **Denied** means a formal denial issued by the final decision-making body of the Town for a particular type of Development Application but does not include review comments or “redlines” by Town staff.
- 1.2.9. **Developer** means Western States Ventures, L.L.C., a Utah limited liability Company, and its assignees or transferees as permitted by this MDA.
- 1.2.10. **Development** means the development of a portion of the Property pursuant to an approved Development Application.
- 1.2.11. **Development Application** means an application to the Town for development of a portion of the or any other permit, certificate or other

authorization from the Town required for development of the Project.

- 1.2.12. **JSSD Parcel** means approximately 11.89 acres of property, Tax ID No. 00-0020-8391 and 00-0020-8390 that is currently within the boundaries of Hideout that is described in Exhibit "E".
- 1.2.13. **Maximum Residential Units** means the development on the Property of 112 (112) Residential Dwelling Units.
- 1.2.14. **MDA** means this Master Development Agreement including all of its Exhibits.
- 1.2.15. **Notice** means any notice to or from any party to this MDA that is either required or permitted to be given to another party.
- 1.2.16. **Project** means the total development to be constructed on the Property pursuant to this MDA with the associated public and private facilities, and all of the other aspects approved as part of this MDA.
- 1.2.17. **Property** means that approximately 37.68 (37.68) acres of real property Owned by to be developed by Developer more fully described in Exhibit "A".
- 1.2.18. **Public Infrastructure** means those elements of infrastructure that are planned to be dedicated to the Town as a condition of the approval of a Development Application.
- 1.2.19. **Residential Dwelling Unit** means a structure or portion thereof designed and intended for use as a single-family residence in a Twin Home configuration.
- 1.2.20. **Shoreline Drive** means that portion of Shoreline Drive as illustrated on

the Concept Plan, Exhibit "D".

1.2.21. **Town** means the Town of Hideout, a political subdivision of the State of Utah.

1.2.22. **Town Consultants** means those outside consultants employed by the Town in various specialized disciplines such as traffic, hydrology or drainage for reviewing certain aspects of the development of the Project.

1.2.23. **Town's Future Laws** means the ordinances, policies, standards, procedures and processing fee schedules of the Town which may be in effect as of a particular time in the future when a Development Application is submitted for a part of the Project and which may or may not be applicable to the Development Application depending upon the provisions of this MDA.

1.2.24. **Town's Vested Laws** means the ordinances, policies, standards and procedures of the Town in effect as of the date of this MDA, a digital copy of which is attached as Exhibit "C".

1.2.25. **Twin Home** means two Residential Dwellings Units that share a common wall and each are located on a separate lot.

1.2.26. **Zoning Ordinance** means the Town's Land Use and Development Ordinance adopted pursuant to the Act that was in effect as of the date of this MDA as a part of the Town's Vested Laws.

2. **Effect of MDA.** This MDA shall be the sole agreement between the parties related to the Project.

3. **Development of the Project.**

3.1. Compliance with the Concept Plan and this MDA. Development of the Project shall be in accordance with the Town's Vested Laws, the Town's Future Laws (to the extent that these are applicable as otherwise specified in this MDA), the Concept Plan and this MDA.

3.2. Maximum Residential Units. At Buildout of the Project, Developer shall be entitled to have developed the Maximum Residential Units as specified in and pursuant to this MDA.

3.3. No Warranty About Using Units. The Town does not warrant to the developer, or know, if it is possible to build the Maximum Residential Units. Developer assumes all risk associated with the constraints that might limit density including: offsite and onsite storm drain and storm drain detention; ability of developer to secure water and sewer capacity; the City's Vested Laws; compliance with Design Review Guidelines; sensitive lands as determined by a licensed soils engineer and the effect of sloping roads and terrain.

4. **Zoning and Vested Rights.**

4.1. Zoning. The Town will zone the Property upon annexation as Mountain with a "Planned Performance Development" designation.

4.2. Vested Rights Granted by Approval of this MDA. To the maximum extent permissible under the laws of Utah and the United States and at equity, the Town, Developer intend that this MDA grants Developer all rights to develop the Project in fulfillment of this MDA, the Town's Vested Laws and the Concept Plan except as specifically provided herein. The Parties intend that the rights granted to Developer under this MDA are contractual and also those rights that

exist under statute, common law and at equity. The parties specifically intend that this MDA grant to Developer “vested rights” as that term is construed in Utah’s common law and pursuant to Utah Code Ann. § 10-9a-509 (2017).

4.3. Bonus Density Qualification. The Town acknowledges that the Project, upon compliance with the provisions of this MDA, has met the requirements of the Town’s Vested Laws for the award of the maximum bonus density increase pursuant to Sections 11.06.114 and 11.07.131 of the Town’s Vested Laws and therefore is vested for the Maximum Residential Units.

4.4. Exceptions. The restrictions on the applicability of the Town’s Future Laws to the Project as specified in Section 4.2 are subject to only the following exceptions:

4.4.1. Developer Agreement. Town’s Future Laws that Developer agrees in writing to the application thereof to the Project;

4.4.2. State and Federal Compliance. Town’s Future Laws which are generally applicable to all properties in the Town and which are required to comply with State and Federal laws and regulations affecting the Project;

4.4.3. Codes. Town’s Future Laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate

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3.2. **Maximum Residential Units.** At Buildout of the Project, Developer shall be entitled to have developed the Maximum Residential Units as specified in and pursuant to this MDA.

3.3. **No Warranty About Using Units.** The Town does not warrant to the developer, or know, if it is possible to build the Maximum Residential Units. Developer assumes all risk associated with the constraints that might limit density including: offsite and onsite storm drain and storm drain detention; ability of developer to secure water and sewer capacity; the City's Vested Laws; compliance with Design Review Guidelines; sensitive lands as determined by a licensed soils engineer and the effect of sloping roads and terrain.

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granted to Developer under this MDA are contractual and also those rights that exist under statute, common law and at equity. The parties specifically intend that this MDA grant to Developer “vested rights” as that term is construed in Utah’s common law and pursuant to Utah Code Ann. § 10-9a-509 (2017).

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4.4.2. State and Federal Compliance. Town’s Future Laws which are generally applicable to all properties in the Town and which are required to comply with State and Federal laws and regulations affecting the Project;

4.4.3. Codes. Town’s Future Laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or

by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare;

4.4.4. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the Town to all properties, applications, persons and entities similarly situated; or,

4.4.5. Fees. Changes to the amounts of fees (but not changes to the times provided in the Town's Vested Laws for the imposition or collection of such fees) for the processing of Development Applications that are generally applicable to all development within the Town (or a portion of the Town as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.

4.4.6. Planning and Zoning Modification. Changes by the Town to its planning principles and design standards such as architectural or design requirements, setbacks or similar items so long as such changes do not work to reduce the Maximum Residential Units, are generally applicable across the entire Town to the respective Zones within the Project and do not materially and unreasonably increase the costs of any Development.

4.4.7. Compelling, Countervailing Interest. Laws, rules or regulations that the Town's land use authority finds, on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i) (2017).

4.4.8. Impact Fees. Impact Fees which are lawfully adopted pursuant to the laws of the State of Utah. Developer waives the provisions of Section 11-36a-

401(2) regarding the ninety (90) day waiting period after the impact fee enactment is approved by the Town. Other than that waiver Developer does not waive any rights to challenge the impact fees for any reason allowed pursuant to Chapter 11-36a of the Utah Code.

5. **Term of Agreement.** The term of this MDA shall be until December 31, 2022.

This MDA shall also terminate automatically at Buildout and it is not transferable to any other properties.

6. **Processing of Development Applications.**

6.1. **Town Denial of a Development Application.** If the Town denies a Development Application the Town shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons the Town believes that the Development Application is not consistent with this MDA, and/or the Town's Vested Laws (or, if applicable, the Town's Future Laws).

6.2. **Meet and Confer regarding Development Application Denials.** The Town and Applicant shall meet within fifteen (15) business days of any Denial to resolve the issues specified in the Denial of a Development Application.

- 6.3. **Mediation of Development Application Denials.**

6.3.1. **Issues Subject to Mediation.** Issues resulting from the Town's Denial of a Development Application that are not subject to arbitration provided in Section 6.9 shall be mediated.

6.3.2. **Mediation Process.** If the Town and Applicant are unable to resolve a disagreement subject to mediation, the parties shall attempt within ten (10)

business days to appoint a mutually acceptable mediator with knowledge of the legal issue in dispute. If the parties are unable to agree on a single acceptable mediator they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant shall pay the fees of the chosen mediator. The chosen mediator shall within fifteen (15) business days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the parties.

6.4. Arbitration of Development Application Objections.

- 6.4.1. Issues Subject to Arbitration. Issues regarding the Town's Denial of a Development Application that are subject to resolution by scientific or technical experts such as traffic impacts, water quality impacts, pollution impacts, etc. are subject to arbitration.
- 6.4.2. Mediation Required Before Arbitration. Prior to any arbitration the parties shall first attempt mediation as specified in Section 6.8.
- 6.4.3. Arbitration Process. If the Town and Applicant are unable to resolve an issue through mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable expert in the professional discipline(s) of the issue in question. If the parties are unable to agree on a single acceptable arbitrator they shall each, within ten (10) business days, appoint

their own individual appropriate expert. These two experts shall, between them, choose the single arbitrator. Applicant shall pay the fees of the chosen arbitrator. The chosen arbitrator shall within fifteen (15) business days, review the positions of the parties regarding the arbitration issue and render a decision. The arbitrator shall ask the prevailing party to draft a proposed order for consideration and objection by the other side. Upon adoption by the arbitrator, and consideration of such objections, the arbitrator's decision shall be final and binding upon both parties. If the arbitrator determines as a part of the decision that the Town's or Applicant's position was not only incorrect but was also maintained unreasonably and not in good faith then the arbitrator may order the Town or Applicant to pay the arbitrator's fees.

7. **Application Under Town's Future Laws.** Without waiving any rights granted by this MDA, Developer may at any time, choose to submit a Development Application for some or all of the Project under the Town's Future Laws in effect at the time of the Development Application so long as Developer is not in current breach of this Agreement. Any Development Application filed for consideration under the Town's Future Laws shall be governed by all portions of the Town's Future Laws related to the Development Application. The election by Developer at any time to submit a Development Application under the Town's Future Laws shall not be construed to prevent Developer from relying for other Development Applications on the Town's Vested Laws.
8. **Dedication of JSSD Parcel.** Upon the recordation of a final plat for Buildout of the Project Developer shall dedicate to the Town the JSSD Parcel. The Town

acknowledges that a portion of the JSSD Parcel will be included in the final plat as Shoreline Drive in a location to be determined by Developer showing an access onto State Road 248 at a location and pursuant to such standards as may be agreed to between Developer and that Utah Department of Transportation.

9. **Tax Benefits.** The Town acknowledges that or Developer may seek and qualify for certain tax benefits by reason of conveying, dedicating, gifting, granting or transferring portions of the Property and/or the JSSD Parcel to the Town. Developer shall have the sole responsibility to claim and qualify for any tax benefits sought by Developer by reason of the foregoing. The Town shall reasonably cooperate with Developer to the maximum extent allowable under law to allow Developer to take advantage of any such tax benefits.

10. **Public Infrastructure.**

- 10.1. **Construction by Developer.** Developer shall have the right and the obligation to construct or cause to be constructed and installed all Public Infrastructure reasonably and lawfully required as a condition of approval of the Development Application. All required rights that the Town does not have the authority to grant shall be the obligation of the Developer to obtain.

10.2. **Sewer Treatment and Sewer Conveyance**

- 10.2.1. The Parties acknowledge that sewer treatment facilities, sewer collection systems, and sewer pumping conveyance systems were planned, funded and constructed by JSSD through bonds which were paid through assessment to properties including some properties within the Town of Hideout. These sewer facilities did not account for the full needed capacity of the proposed

units for the Project beyond those ERUs associated with the parcels which did participate in the bond assessments. JSSD has established a Sewer Impact Fee schedule for Bonded ERUs and Unbonded ERUs. Developer shall obtain from JSSD a "Will Serve Letter" addressed to the Town of Hideout defining the amount of Sewer Impact Fees associated with the Project to be collected by the Town of Hideout for pass through to JSSD. The Will Serve Letter may also identify capital facility project(s) required by JSSD in order to provide sewer collection and treatment service for the Project. The Town of Hideout must receive acknowledgment from JSSD that required conditions have been satisfied prior to Final Approval of the Project.

10.3. Culinary Water Distribution, Source Development and Treatment

10.3.1. The Parties acknowledge that water sources, water treatment facilities, water storage and water conveyance systems were planned, funded and constructed by JSSD through bonds which were paid through assessment to properties including some properties within the Town of Hideout. These water facilities did not account for the full needed capacity of the proposed units for Deer Water beyond those ERUs associated with the parcels which did participate in the bond assessments. JSSD has established a Water Impact Fee schedule for Bonded ERUs and Unbonded ERUs. Developer shall obtain from JSSD a "Will Serve Letter" addressed to the Town of Hideout defining the amount of Water Impact Fees associated with the project to be collected by the Town of Hideout for pass through to JSSD.

The Will Serve Letter may also identify capital facility project(s) required by JSSD in order to provide water source, water treatment, water storage and/or water conveyance systems for the project. The Town of Hideout must receive acknowledgment from JSSD that required conditions have been satisfied prior to Final Approval of the project.

10.4. **Water Rights**

10.4.1. The Parties acknowledge that the Town of Hideout has an agreement with JSSD for a fixed number of Water Reservation Rights which does not account for the total number of units proposed for the portion of the Project within the Town nor the needed water rights for the portion of the Project being annexed into the Town. Developer shall be responsible to provide to JSSD water rights sufficient for the indoor and outdoor water uses for the Project. Developer shall obtain in writing from JSSD acknowledgement that the Town shall receive this quantity of water represented by these water rights in addition to the contract amount of water delivery from JSSD.

10.5. **Bonding.** If and to the extent required by the Town's Vested Laws, unless otherwise provided by Chapter 10-9a of the Utah Code as amended, security for any Public or private Infrastructure is required by the Town it shall provide in a form acceptable to the Town as specified in the Town's Vested Laws. Partial releases of any such required security shall be made as work progresses based on the Town's Vested Laws.

10.6. **Shoreline Drive.** Developer shall construct Shoreline Drive to the standards specified in Chapter 7 Appendix # 1 of the Town's Code and dedicate

Shoreline Drive to the Town as it is completed. Such construction shall be commenced on or before June 1 2020 and completed on or before October 31, 2020. If the Utah Department of Transportation requires modifications or improvements to any access onto Highway 248 from the Project from Shoreline Drive at the location agreed to between Developer and the Department then Developer shall pay for such required improvements.

10.6.1. Trail. Developer shall, as and when Shoreline Drive is constructed, also construct a six foot (6') wide asphalt trail as illustrated on Exhibit "B" and shall dedicate the same to the Town upon completion and acceptance. After the dedication, the trail shall be maintained by the Town.

10.7. **Public Streets**. All streets in the Project shall be public streets built in compliance with the Town's Vested Laws and dedicated to the Town upon completion and acceptance.

11. **Model Homes**. The Town hereby authorizes Developer to construct up to two (2) model Twin Homes (i.e., 4 total units) located as generally illustrated on Exhibit "B" or in such a location as the Town and Developer agree on considering access, fire protection, services and marketability. The Town will, subject to the normal approval of such building plans, issue building permits for these two (2) model Twin Homes (i.e., 4 total units). Developer acknowledges that Certificates of Occupancy for these homes will not be issued by the Town except as otherwise provided by the Town's Code.

12. **Default**.

12.1. **Notice**. If Developer or the Town fails to perform their respective

obligations hereunder or to comply with the terms hereof, the party believing that a Default has occurred shall provide Notice to the other party

12.2. **Contents of the Notice of Default.** The Notice of Default shall:

12.2.1. Specific Claim. Specify the claimed event of Default;

12.2.2. Applicable Provisions. Identify with particularity the provisions of any applicable law, rule, regulation or provision of this MDA that is claimed to be in Default;

12.2.3. Materiality. Identify why the Default is claimed to be material; and

12.2.4. Optional Cure. If the Town chooses, in its discretion, it may propose a method and time for curing the Default which shall be of no less than thirty (30) days duration.

12.3. **Meet and Confer, Mediation, Arbitration.** Upon the issuance of a Notice of Default the parties shall engage in the “Meet and Confer” and “Mediation” processes specified in Sections 6.2 and 6.3. If the claimed Default is subject to Arbitration as provided in Section 6.4 then the parties shall follow such processes.

12.4. **Remedies.** If the parties are not able to resolve the Default by “Meet and Confer” or by Mediation, and if the Default is not subject to Arbitration then the parties may have the following remedies, except as specifically limited in 11.9:

12.4.1. Law and Equity. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief and/or specific performance.

12.4.2. Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular

Default.

12.4.3. **Future Approvals.** The right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project.

12.5. **Public Meeting.** Before any remedy in Section 11.4 may be imposed by the Town the party allegedly in Default shall be afforded the right to attend a public meeting before the Town Council and address the Town Council regarding the claimed Default.

12.6. **Emergency Defaults.** Anything in this MDA notwithstanding, if the Town Council finds on the record that a default materially impairs a compelling, countervailing interest of the Town and that any delays in imposing such a default would also impair a compelling, countervailing interest of the Town then the Town may impose the remedies of Section 12.4 without the requirements of Sections 11.5. The Town shall give Notice to Developer of any public meeting at which an emergency default is to be considered and the Developer shall be allowed to address the Town Council at that meeting regarding the claimed emergency Default.

12.7. **Extended Cure Period.** If any Default cannot be reasonably cured within thirty (30) days then such cure period shall be extended so long as the defaulting party is pursuing a cure with reasonable diligence.

12.8. **Limitation on Recovery for Default – No Damages.** Anything in this MDA notwithstanding no party shall be entitled to any claim for any monetary damages as a result of any breach of this MDA and each Party waives any claims

thereto. The sole remedy available to , Developer or any shall be that of specific performance.

13. **Notices.** All notices required or permitted under this Amended Development Agreement shall, in addition to any other means of transmission, be given in writing by certified mail and regular mail to the following address:

To the Developer:

Western States Venture, L.L.C.
Attn: Mr. Nate Brockbank
2265 East Murray Holladay Road
Holladay, UT 84117

With a Copy for Developer to:

Bruce R. Baird, Esq.
Bruce R. Baird PLLC
2150 South 1300 East, Fifth Floor
Salt Lake Town, UT 84106
bbaird@difficultdirt.com

To the Town:

Town of Hideout
Attn: Lynette Hallam
10860 North Hideout Trail
Hideout, UT 84036

- 13.1. **Effectiveness of Notice.** Except as otherwise provided in this MDA, each

Notice shall be effective and shall be deemed delivered on the earlier of:

- 13.1.1. Hand Delivery. Its actual receipt, if delivered personally, by courier service, or by facsimile provided that a copy of the facsimile Notice is mailed or personally delivered as set forth herein on the same day and the sending party has confirmation of transmission receipt of the Notice). If the copy is not sent on the same day, then notice shall be deemed effective the

date that the mailing or personal delivery occurs.

13.1.2. Electronic Delivery. Its actual receipt if delivered electronically by email provided that a copy of the email is printed out in physical form and mailed or personally delivered as set forth herein on the same day and the sending party has an electronic receipt of the delivery of the Notice. If the copy is not sent on the same day, then notice shall be deemed effective the date that the mailing or personal delivery occurs.

13.1.3. Mailing. On the day the Notice is postmarked for mailing, postage prepaid, by First Class or Certified United States Mail and actually deposited in or delivered to the United States Mail. Any party may change its address for Notice under this MDA by giving written Notice to the other party in accordance with the provisions of this Section.

14. Estoppel Certificate. Upon twenty (20) days prior written request by or Developer , the Town will execute an estoppel certificate to any third party certifying that , Developer , as the case may be, at that time is not in default of the terms of this Agreement.

15. Headings. The captions used in this MDA are for convenience only and are not intended to be substantive provisions or evidences of intent.

16. No Third Party Rights/No Joint Venture. This MDA does not create a joint venture relationship, partnership or agency relationship between the Town, or Developer. Further, the parties do not intend this MDA to create any third-party beneficiary rights. The parties acknowledge that this MDA refers to a private development and that the Town has no interest in, responsibility for or duty to any

third parties concerning any improvements to the Property or unless the Town has accepted the dedication of such improvements at which time all rights and responsibilities—except for warranty bond requirements under Town’s Vested Laws and as allowed by state law—for the dedicated public improvement shall be the Town’s.

17. **Assignability.** The rights and responsibilities of Developer under this MDA may be assigned in whole or in part by or Developer with the consent of the Town as provided herein.

17.1. **Sale of Lots.** Developer’s selling or conveying lots in any approved Subdivision to builders or end users shall not be deemed to be an “assignment” subject to the above-referenced approval by the Town.

17.2. **Related Entity.** Developer’s transfer of all or any part of the Property to any entity “related” to Developer (as defined by regulations of the Internal Revenue Service in Section 165), Developer’s entry into a joint venture for the development of the Project or Developer’s pledging of part or all of the Project as security for financing shall also not be deemed to be an “assignment” subject to the above-referenced approval by the Town unless specifically designated as such an assignment by the Developer. Developer shall give the Town Notice of any event specified in this sub-section within ten (10) days after the event has occurred. Such Notice shall include providing the Town with all necessary contact information for the newly responsible party.

17.3. **Notice.** Developer shall give Notice to the Town of any proposed assignment and provide such information regarding the proposed assignee that

the Town may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the Town with all necessary contact information for the proposed assignee.

17.4. **Time for Objection.** Unless the Town objects in writing within twenty (20) business days of notice, the Town shall be deemed to have approved of and consented to the assignment.

17.5. **Partial Assignment.** If any proposed assignment is for less than all of Developer's rights and responsibilities then the assignee shall be responsible for the performance of each of the obligations contained in this MDA to which the assignee succeeds. Upon any such approved partial assignment, Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.

17.6. **Denial.** The Town may only withhold its consent if the Town is not reasonably satisfied of the assignee's financial ability to perform the obligations of Developer proposed to be assigned or there is an existing breach of a development obligation owed to the Town by the assignee or related entity that has not either been cured or in the process of being cured in a manner acceptable to the Town. Any refusal of the Town to accept an assignment shall be subject to the "Meet and Confer" and "Mediation" processes specified in Sections 6.5 and 6.7. If the refusal is subject to Arbitration as provided in Section 6.8 then the parties shall follow such processes.

17.7. **Assignees Bound by MDA.** Any assignee shall consent in writing to be

bound by the assigned terms and conditions of this MDA as a condition precedent to the effectiveness of the assignment.

18. **No Waiver.** Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.
19. **Severability.** If any provision of this MDA is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this MDA shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this MDA shall remain in full force and affect.
20. **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.
21. **Time is of the Essence.** Time is of the essence to this MDA and every right or responsibility shall be performed within the times specified.
22. **Appointment of Representatives.** To further the commitment of the parties to cooperate in the implementation of this MDA, the Town, Developer each shall designate and appoint a representative to act as a liaison between the Town and its various departments and the Developer. The initial representative for the Town shall

be the Dave Erichsen and the initial representative for Developer shall be Nate Brockbank. The parties may change their designated representatives by Notice. The representatives shall be available at all reasonable times to discuss and review the performance of the parties to this MDA and the development of the Project.

23. **Mutual Drafting.** Each party has participated in negotiating and drafting this MDA and therefore no provision of this MDA shall be construed for or against either party based on which party drafted any particular portion of this MDA.
24. **Applicable Law.** This MDA is entered into in Wasatch County in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.
25. **Venue.** Any action to enforce this MDA shall be brought only in the Third District Court for the State of Utah, Salt Lake Town Division.
26. **Entire Agreement.** This MDA, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.
27. **Recordation and Running with the Land.** This MDA shall be recorded in the chain of title for the Project. This MDA shall be deemed to run with the land. The data disk of the Town's Vested Laws, Exhibit "C", shall not be recorded in the chain of title. A secure copy of Exhibit "C" shall be filed with the Town Recorder and each party shall also have an identical copy.
28. **Authority.** The parties to this MDA each warrant that they have all of the necessary authority to execute this MDA. Specifically, on behalf of the Town, the signature of the Town Manager of the Town is affixed to this MDA lawfully binding the Town

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

DEVELOPER
Western States Ventures, LLC

TOWN
Town of Hideout

Nathan Brockbank
By: Nathan Brockbank
Its: Manager

Dean Heavrin
By: Dean Heavrin
Its: Mayor Pro-temp

Approved as to form and legality:
[Signature]
Town Attorney

Attest:
[Signature]
Town Recorder

TOWN ACKNOWLEDGMENT

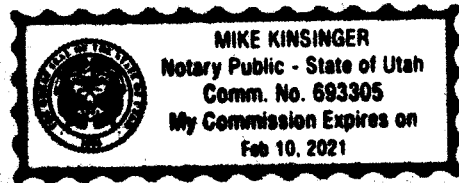
STATE OF WASATCH)
: ss.
COUNTY OF SALT LAKE)

On the 25th day of September 2017, personally appeared before me Dean Heavrin who being by me duly sworn, did say that he is the Mayor pro-temp of the Town of Hideout, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the Town by authority of its Town Council and said he acknowledged to me that the Town executed the same.

[Signature]
NOTARY PUBLIC

My Commission Expires: 2/10/2021

Residing at: 1555 Snowdeck Dr. P.O. UT 84060



DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH)
:ss.

COUNTY OF SALT LAKE)

On the 18 day of September, 2017, personally appeared before me Nathan Brockbank, who being by me duly sworn, did say that he is the Manager of Western States Ventures, LLC, a Utah limited liability company and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

Rebecca T. Tolman
NOTARY PUBLIC

My Commission Expires: 2/2/2020

Residing at: SALT LAKE COUNTY, UTAH



TABLE OF EXHIBITS

Exhibit "A"	Legal Description of the Property
Exhibit "B"	Concept Plan
Exhibit "C"	Town's Vested Laws (coming)
Exhibit "D"	Shoreline Drive <i>MB</i>
Exhibit "E"	Legal Description of the JSSD Parcel

Exhibit A

EXHIBIT "A"

"Oak Pointe"

DESCRIPTIONS:

SUBJECT PARCEL 1: ENTRY 418407, BOOK 1144, PAGE 1436:

A parcel of land located in the Northwest Quarter of Section 17, Township 2 South, Range 2 [5] East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point South 89°33'19" West along the Section line 2888.605 feet from the Northeast corner of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian; and running thence South 00°05'38" West 879.02 feet; thence South 89°28'38" West 1110.39 feet; thence North 00°15'12" East 880.56 feet to the Section line; thence North 89°33'19" East along said Section line 1107.92 feet to the point of beginning.

Less and excepting therefrom any portion thereof located within the bounds of the following described property, as deeded to the United States of America in that certain Warranty Deed recorded December 22, 1987 as Entry No. 144471 in Book 196 at Page 533 of Official Records:

A parcel of land for an expressway known as Project No. M[N]F-61: being part of an entire tract of property situate in the Northwest Quarter of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, Wasatch County, Utah, more particularly described as follows:

Beginning in the North line of said Section 17 at a point 150 feet radially distant Northeastly from the centerline of said project, which point is approximately 802.33 feet South 89°33'11" West (highway bearing) from the North Quarter corner of said Section 17, thence Southeastly 882.95 feet, more or less, along the arc of a 7489.437 foot radius curve to the left, to a point opposite Engineer Station 231+00.4 (Note: Tangent to said curve at its point of beginning bears South 46°46'31" East); thence South 52°00'00" East 70.26 feet, more or less, to the East boundary line of said entire tract; thence South 00°30'42" West (highway bearing) 352.88 feet, more or less, along said East line to a point 130.0 feet perpendicularly distant Southwestly from said Centerline; thence North 52°00'00" West 285.02 feet, more or less, to a point opposite of said Engineer Station 231+00.47; thence North 51°14'33" West 203.88 feet; thence North 49°22'27" West 305.09 feet; thence North 52°35'46" West 551.52 feet, more or less, to said North line; thence North 89°33'11" East (highway bearing) 482.78 feet along said North line to the point of beginning.

EXHIBIT "A"

"Rodeback"

SUBJECT PARCEL 3: ENTRY 217742, BOOK 437, PAGE 91:

A parcel of land located in the West on[e]-half of the Northeast quarter and the East one-half of the Northwest Quarter of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point South 89°33'19" West along the Section line 1778.805 feet and South 00°03'56" East 877.49 feet from the Northeast corner of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, and running thence South 00°03'56" East 875.55 feet; Thence South 89°23'57" West 1114.71 feet; Thence North 00°05'38" East 877.09 feet; Thence North 89°28'38" East 1112.25 feet to the point of beginning.

Subject to a 30.0 foot easement for ingress and egress to and from the Anita W. Mumford property 15.0 feet on each side of the following described centerline: Beginning at a point on the Northerly property line of the Evelyn W. Rodeback property, said point being North 89°28'38" East 50.0 feet from the Northwest corner of said property; Thence South 63°17'29" East 308.9 feet; Thence South 04°43'31" West 487.0 feet, more or less, to an existing dirt road.

)}
} Less and excepting therefrom any portion thereof located within the bounds of the following described property, as deeded to the United States of America in that certain Warranty Deed recorded December 22, 1987 as Entry No. 144471 in Book 198 at Page 533 of Official Records:

No. WS75246CW

EXHIBIT "A"**"JSSD"**

A tract of land situate in the East 1/2 of Section and in the West 1/2 of the Southwest 1/4 of Section 8, Township 2 South, Range 5 East, Salt Lake Base and Meridian. The boundaries of said tract of land are described as follows:

Beginning at a point on the Westerly Right of Way and L/A Line of Highway US 189, 160.00 feet perpendicularly distant Westerly from the centerline of said Highway approximately opposite Engineer Station 185+66.20, which point is 3017.11 feet North 00°22'39" West along the Section line, and 460.13 feet West from the Southeast corner of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian; and running thence South 25°33'00" East 522.87 feet along said Highway Right of Way and L/A Line; thence South 27°08'13" East 361.07 feet to the Southerly Right of Way and L/A Line of "X" Line at a point 150.00 feet perpendicularly distant Westerly from the centerline of said Highway approximately opposite Engineer Station 194+50; and running along "X" line Access Road R/W Line the following 10 courses and distances; (1) South 64°27'00" West 95.18 feet; (2) South 16°32'01" East 292.79 feet; (3) South 27°51'49" East 128.70 feet; (4) Southerly 246.37 feet along the arc of a 1245.92 foot radius curve to the right (Note: Chord for said curve bears South 22°11'55" East for a distance of 245.97 feet); (5) South 16°32'00" East 494.45 feet; (6) South 73°28'00" West 150.15 feet; (7) North 16°30'16" West 287.93 feet; (8) North 33°04'10" West 419.52 feet; (9) North 27°51'49" West 362.18 feet; (10) Northerly 152.31 feet along the arc of a 410.82-foot radius curve to the right to the North line of Bureau of Reclamation property (Note: Chord for said 410.82 foot radius curve bears North 17°14'30" West for a distance of 151.44 feet; thence South 85°48'20" West 108.18 feet along said North line to the Prior West Right of Way and L/A line of US HWY 40; thence North 03°56'00" West 693.79 feet along said Prior West Right of Way and L/A line to a point of tangency with the arc of a 3709.72-foot radius curve to the left; thence Northerly 797.05 feet along the arc of said 3709.72-foot radius curve and Prior West Right of Way and L/A line to the existing Westerly Right of Way and L/A Line of said Highway US-189 to a point 160.00 feet perpendicularly distance Westerly from said Highway centerline approximately opposite Engineer Station 179+15.42 (Note: Chord for said 3709.72-foot radius curve bears North 09°58'38" West for a distance of 795.52 feet); thence South 25°33'00" East 572.05 feet along said Westerly Highway Right of Way and L/A line to a point designated as Point "A" at a point 160.00 feet perpendicularly distance Westerly from said Highway centerline approximately opposite Engineer Station 184+87.46; thence Southerly 278.25 feet along the arc of a 237.50-foot radius curve to the left (Note: Chord for said curve bears South 16°20'30" West for a distance of 262.61 feet); thence North 72°46'16" East 75.00 feet; thence Northerly 170.55 feet along the arc of a 162.50-foot radius curve to the right to a point designated as Point "B" (Note: Chord for said bears North 12°50'16" West for a distance of 162.83 feet) to the point of beginning.

Less and excepting therefrom any portion thereof located within the bounds of the following described property:

A parcel of land lying and situate in the East Half of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian.

Commencing at the Southeast Corner of said Section 7, thence North 00°19'58" West 2682.51 feet coincident with the east line of the Southeast Quarter of said Section 7; thence South 89°40'02" West 300.92 feet to a point on the west right of way line of State Road 248 and the True Point of Beginning; thence South 86°07'20" West 293.42 feet to a 3 1/2" BLM aluminum cap; thence North 03°52'40" West 160.74 feet to the beginning of a 3709.55 foot

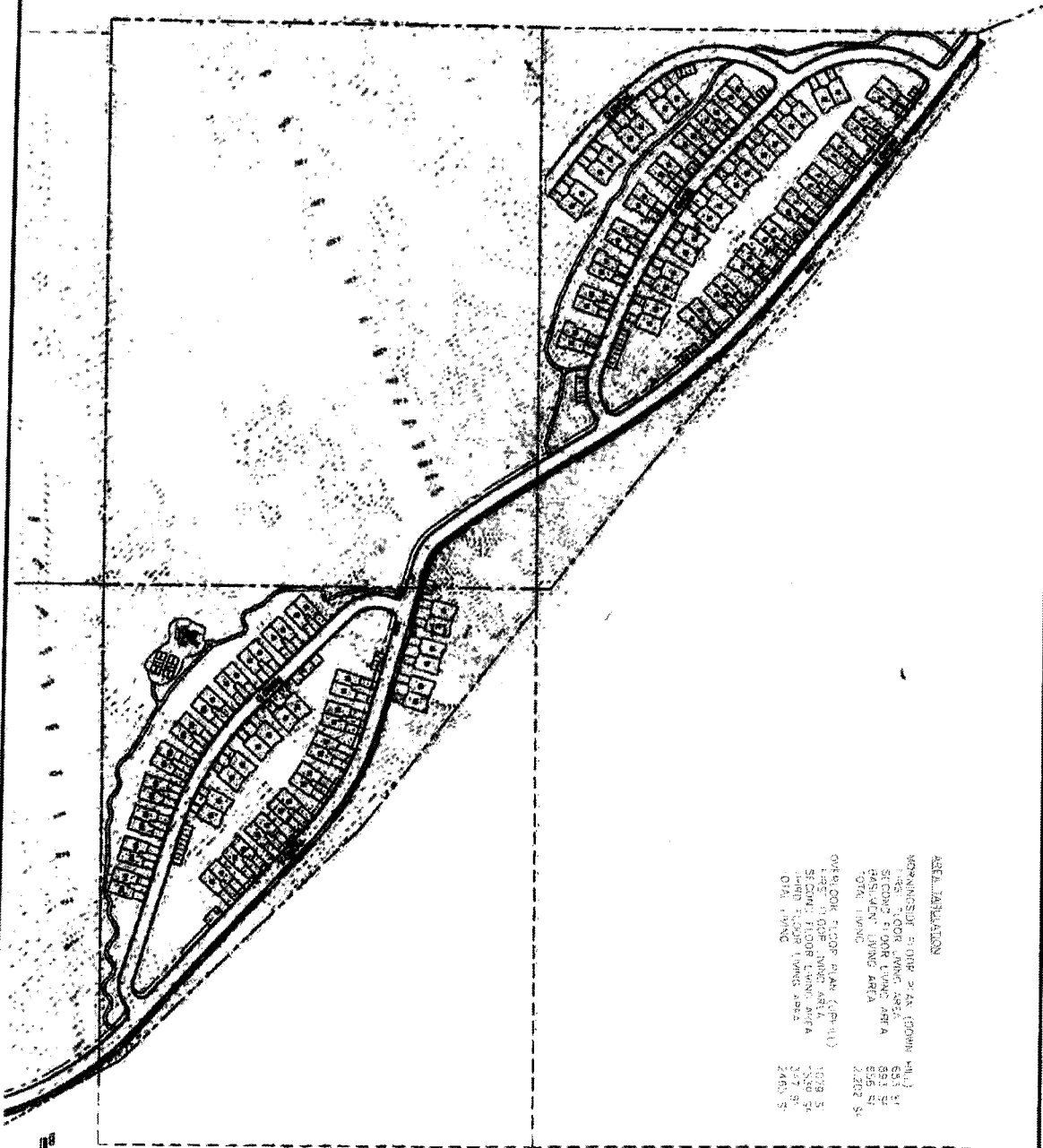
"JSSD"

non-tangent curve to the left; thence northerly 797.06 feet along the arc of said curve (center bears South $86^{\circ}14'01''$ West) through a central angle of $12^{\circ}18'40''$ to a point on the west right of way line of said SR 248; thence the following five (5) courses coincident with said right of way line 1) South $25^{\circ}29'40''$ East 572.06 feet to the beginning of a 237.50 foot radius non-tangent curve to the left; 2) Southerly 278.25 feet along the arc of said curve (center bears South $40^{\circ}02'21''$ East) through a central angle of $67^{\circ}07'38''$; 3) North $72^{\circ}49'36''$ East 75.00 feet to the point of beginning of a 162.50 foot non-tangent curve to the right; 4) Northeasterly 170.55 feet along the arc of said curve (center bears North $72^{\circ}49'34''$ East) through a central angle of $60^{\circ}08'04''$; 5) South $25^{\circ}29'54''$ East 373.09 feet to the point of beginning.

Exhibit B

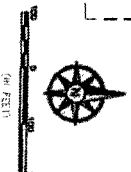
Exhibit "B" Concept Plan

"Twin homes"



AREA TABULATION

WORKINGSIDE OF DEER CANYON	411.3
FIRST FLOOR LIVING AREA	633.3
SECOND FLOOR LIVING AREA	633.3
RESIDENT LIVING AREA	636.6
OFFICE LIVING	2,202.5
OVERLOOK RIDGE PLAZA (4000)	1,078.5
FIRST FLOOR LIVING AREA	1,550.5
SECOND FLOOR LIVING AREA	1,550.5
OFFICE LIVING AREA	2,202.5
TOTAL	2,480.5



G1.2

Exhibit C

TITLE 11 ZONING REGULATIONS

Subject	Chapter
General Provisions	1
Definitions	2
Administration and Enforcement	3
Amendments	4
Board of Adjustment	5
Development Standards, Applicability and Regulations	6
Zoning Classification, Development Regulations and Appendixes	7
General Plan Administration	8
Conditional Uses	9
Nonconforming Use of Buildings, Structures and Land	10
Sensitive Lands	11

CHAPTER 1 GENERAL PROVISIONS

Section

- 11.01.101: SHORT TITLE
- 11.01.102: INTENT
- 11.01.103: PURPOSE – GENERAL PROVISIONS
- 11.01.104: CODE NUMBERING
- 11.01.105: AUTHORITY PROVISIONS
- 11.01.106: LICENSE TO CONFORM
- 11.01.107: BUILDING PERMITS REQUIRED
- 11.01.108: BUILDING PERMITS – PLOT PLAN REQUIRED
- 11.01.109: PERMITS TO COMPLY WITH LAND USE REGULATIONS
- 11.01.110: CERTIFICATE OF OCCUPANCY AND ZONING COMPLIANCE
- 11.01.111: NUISANCE
- 11.01.112: CONSTRUCTION AND USE TO CONFORM TO PLANS
- 11.01.113: EXPIRATION OF APPROVALS
- 11.01.114: EFFECT OF CC&Rs
- 11.01.115: EFFECT OF PRIOR ORDINANCES
- 11.01.116: FRACTIONAL NUMBERS
- 11.01.117: PAYMENT OF FEES
- 11.01.118: EFFECT ON GOVERNMENTAL ENTITIES
- 11.01.119: CLASSIFICATION OF ANNEXED TERRITORY
- 11.01.120: ESTABLISHMENT OF ZONES
- 11.01.121: CODIFICATION, INCLUSION IN CODE, AND SCHRIVENER'S ERRORS
- 11.01.122: ADMINISTRATIVE DETERMINATION FOR USES NOT LISTED
- 11.01.123: ADMINISTRATIVE REVIEWS, CERTIFICATES AND PERMITS

11.01.101: SHORT TITLE:

This Title shall be known as the Hideout Land Use and Development Code, and may be so cited and pleaded. Whenever a reference is made to this code as the Hideout Land Use and Development Code, or to any portion thereof, or to any ordinance of the Town of Hideout, Utah, codified herein the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

11.01.102: INTENT:

It is hereby declared to be the intent of the Hideout Legislative Body that this Title and the regulations set forth herein shall be so construed as to further the purpose of this Title and promote the objectives and characteristics of the respective zones.

11.01.103: PURPOSE – GENERAL PROVISIONS:

This Title and the regulations and restrictions contained herein are adopted and enacted for the purpose of promoting the health, safety, welfare, prosperity, improved morals, peace, good order, comfort, convenience and aesthetics of the present and future inhabitants of the Town of Hideout and to:

- A. Guide the future growth and development of the Town of Hideout, in accordance with the Hideout General Plan;
- B. Provide for adequate open space, light, air, air quality, privacy, safety from fire, flood, landslides and other geologic hazards, and other dangers and to try to prevent overcrowding of the land, and to lessen traffic congestion;
- C. Protect and conserve the character and stability of the Town of Hideout, and to encourage the orderly development of the land;
- D. Protect and conserve Hideout property values and minimize conflicts among uses of the land and structures;
- E. Establish public and private policy that encourages action to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public facilities;
- F. Establish reasonable standards of design and procedures for development;
- G. Create an atmosphere attractive to visitors and residents;
- H. Fully exercise all of the powers granted to the Town of Hideout by the provisions of the Utah Code Annotated (10-9a-101 et. seq.) Municipal Land Use Development and Management Act, and all other powers granted by statute or by common law for the regulation of land uses and improvements;
- I. Protect and enhance the quality of life in general for Hideout residents;
- J. Allow development in a manner that encourages the preservation of scenic values and minimizes the impact on natural resources in Hideout;
- K. Provide for well-planned commercial and residential centers, efficient traffic circulation, and efficient use of town services;
- L. Regulate development that may add to existing geologic hazards, erosion, flooding or other conditions that create potential dangers to life and safety in the community or detract from the quality of life in the community;

M. Require new development to be fiscally responsible by providing all required improvements and adequately mitigating any impacts to the Town of Hideout;

N. Establish Zone Districts within which the Legislative Body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures and the uses of land; and

O. Provide methods of administration and enforcement of this Title and provide penalties for the violation thereof.

11.01.104: CODE NUMBERING:

The chapter numbering and designation of this code is adopted as the official chapter numbering and designation for the Hideout Land Use and Development Code. The title, chapter and section headings or numbers contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this Title.

11.01.105: AUTHORITY PROVISIONS:

It is hereby declared to be within the authority of the Town of Hideout to approve the subdivision and development of land, amendment of plats, or adjustment of lot lines, rezoning of property, amendments to the Hideout General Plan, and approval of site plans pursuant to the guidance of the Hideout General Plan and Land Use Code, for the orderly, planned, efficient and economic development of the Town of Hideout.

11.01.106: LICENSE TO CONFORM:

All departments, officials, and employees of the Town of Hideout that are vested with a duty or authority to issue permits and licenses shall do so in conformance with the provisions of this Title. No permit or license for a use, building, or purpose shall be issued where the same would be in conflict with the provisions of this Title. A permit or license, if issued in conflict with the provisions of this Title, shall be null and void.

11.01.107: BUILDING PERMITS REQUIRED:

No building or structure shall be constructed, reconstructed, altered or moved, except after the issuance of a permit for the same by the Building Department, unless exempted by State Law.

11.01.108: BUILDING PERMITS – PLOT PLAN REQUIRED:

1. All applications for building permits for new construction (and not interior remodels) shall be accompanied by:

(a) A plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected, and existing buildings on adjacent property and such other information as may be deemed necessary by the building Inspector or the Planning Department for the enforcement of this Title.

(b) When property boundaries are unclear or undetermined, a complete and accurate legal description of the property, which is the subject of the application, together with a certified survey of the property showing any conflict with adjoining property, overlaps or discrepancies between the legal description, and any existing fence lines.

11.01.109: PERMITS TO COMPLY WITH LAND USE REGULATIONS:

1. Permits shall not be granted for the construction, reconstruction or alteration of any building or structure, or for the moving of a building onto a lot, or for the change of the use of any land, building, or structure if such construction, alteration, moving, or change in use violates any of the provisions of this Title.

2. No sewer service line and/or wastewater treatment facility, no water service line and/or water facility, or electrical utilities shall be installed to serve such premises if such use violates this Title.

11.01.110: CERTIFICATE OF OCCUPANCY AND ZONING COMPLIANCE:

A. Unlawful to Occupy. It shall be unlawful to use or occupy, or to permit the use or occupancy of any building or premises until a Certificate of Occupancy and Land Use Compliance shall have been issued for the premises and/or building by the Town of Hideout. It shall also be unlawful to occupy any building which has greater intensity of use or different occupancy than provided for specifically in the Certificate of Occupancy and Land Use Compliance.

B. Issuance of Certificates. A Certificate of Occupancy and Land Use Compliance, is required to be issued by the Planning Department of the Town of Hideout at the time a building is completed and final inspection granted by the Building Inspection Department. In addition, a new certificate shall be required at any time the occupancy of

the building changes to a more intensive use or that the number of occupants in an apartment building or multiple residential building increases more than five (5) percent above the number declared in the previously-issued certificate.

C. Information Required on Certificates. The following information shall be made a part of any application for a Certificate of Occupancy and Land Use Compliance issued by the Town of Hideout Planning Department.

1. Residential Certificates.

- (i) The number of residential units in the building or buildings. (If there is more than one building, the number of units should be listed separately for each building).
- (ii) Number of families residing or anticipated to live in the building.
- (iii) The number of legal off-street parking spaces, sized to conform to this Title and being provided on the premises.
- (iv) A signed certification of the property owner of the building or premises, or his authorized agent, stating that the information contained in the application is accurate and that the stated conditions will be maintained on the premises.
- (v) A notice directed to the owner of the building or premises that any change in the intensity of use of the building or premises, or an increase of more than five (5) percent in the number of occupants in an apartment building or multiple residential building, will require the issuance of a new certificate.

2. Commercial, Industrial, and Institutional Certificates.

- (i) The proposed maximum number of employees on the premises.
- (ii) The number of off-street parking spaces sized to conform to this Title and provided for employees on the site.
- (iii) The number of off-street parking spaces sized to conform to this Title and provided for customers or visitors.
- (iv) The number and type of restroom facilities provided.
- (v) The square foot area within the building used for each separate type of occupancy.

(vi) A signed certificate by the owner of the building or premises or his authorized agent stating that the information and conditions set forth in the application are true and will be maintained upon the site in this condition.

(vii) A notice directed to the owner of the premises that a change in intensity of use of more than five percent increase in the intended occupancy of the building will require the issuance of a new certificate.

11.01.111: NUISANCE:

The Town of Hideout may avail itself of all remedies available at law or in equity to abate any nuisance or public nuisance. Each of the following acts is hereby declared to be a nuisance and may be abated in as such:

- A. Any act which constitutes a nuisance or public nuisance under state law;
- B. Engaging in a use or activity that is not permitted in the zone where the use or activity is located;
- C. The occupation of any building or structure for which a Certificate of Occupancy and Land Use Compliance has not been issued; and
- D. The occupation or use of a building or structure with a greater density or intensity of use than is permitted in the Certificate of Occupancy and Land Use Compliance.

11.01.112: CONSTRUCTION AND USE TO CONFORM TO PLANS:

Building permits or Certificates of Occupancy and Land Use Compliance, issued on the basis of plans and specifications approved by the Building Inspector, authorizes only the use, arrangement, and construction set forth in the approved application, plans and specifications and no other use, arrangement, or construction. The use, arrangement, or construction at variance with that authorized in said plans and specifications shall be deemed a violation of this Title and shall be punishable as provided in Section 11.03.104 Hideout Land Use and Development Code.

11.01.113: EXPIRATION OF APPROVALS:

A. Building Permits. A building permit shall expire if construction is not begun within one year (1) from the date the building permit was issued. A building permit shall expire if construction is not completed and a Certificate of Occupancy and Land Use Compliance obtained within two (2) years from the date the building permit was

issued. The Building Department may, for good cause shown, extend the expiration date for a period of time not to exceed one (1) additional year.

B. Preliminary Approvals of Developments. Preliminary approvals of developments shall expire if application for Final Approval has not been submitted for consideration within three (3) years from the date of receiving Preliminary Approval. An extension not to exceed two (2) additional years upon a finding of good cause.

C. Final Development Approvals. Final Approval of developments shall expire if the Plat is not recorded within three (3) years from the date of receipt of Final Approval by the legislative body. The Planning Commission may grant a two (2) years extension upon a showing of good cause.

11.01.114: EFFECT OF CC&Rs:

Enforcement of private covenants, conditions and restrictions shall not be the responsibility of the Town of Hideout.

11.01.115: EFFECT OF PRIOR ORDINANCES:

Uses which were commenced legally prior to the adoption of this Title, or for which permits were properly issued and are acted upon in a timely manner, shall, to the extent they do not conform to this Title, be considered as non-conforming uses, and shall not be affected hereby. Uses, which were unlawful prior to the enactment of this Title, shall not become legal by the enactment of this Title.

11.01.116: FRACTIONAL NUMBERS:

Any computation or measurement resulting in a fractional number shall be rounded to the closest whole number. For example twenty three and three-quarters (23.75) inches would be rounded to twenty four (24) inches.

11.01.117: PAYMENT OF FEES:

Any application for approval by the Planning Staff or Planning Commission shall not be considered complete or accepted until the applicant has submitted a complete application, including payment of all fees as required by Title. Fees paid shall be non-refundable. Payment of the appropriate fee is no guarantee that the proposal will be approved.

11.01.118: EFFECT ON GOVERNMENTAL ENTITIES:

In accordance with the laws of the state, the provisions of this title shall not apply to the properties owned by the state, or the United States government; however, any person, firm or corporation who may obtain such properties by purchase, lease or other arrangement with the state shall utilize such properties in accordance with regulations as set forth in Utah Code Annotated.

11.01.119: CLASSIFICATION OF ANNEXED TERRITORY:

All property hereafter annexed to the town shall be classified as Resort Specially Planned Area (RSPA), and all of the zone regulations shall apply thereto until such time that a public hearing is held to consider a change in classification thereof. Such hearing and classification shall be considered in the same manner as set forth in chapter 4 of this title pertaining to the amendment of this title.

11.01.120: ESTABLISHMENT OF ZONES:

The municipality is divided into zoning districts as shown on the map entitled, "Zoning Map of the Town of Hideout, Utah", which map and boundaries, notations, references and other information shown thereon shall be as much a part of this title as if the information and matters set forth by the map were all fully described herein.

11.01.121: CODIFICATION, INCLUSION IN CODE, AND SCHRIVENER'S ERRORS:

It is the intent of the Hideout Legislative Body that the provisions of this Title may become and be made part of a Hideout Municipal Code as adopted; and that sections of this Title may be re-numbered or re-lettered and the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Hideout Municipal Code is accomplished, sections of the Title may be re-numbered or re-lettered and typographical errors which do not affect the intent may be authorized by the Town of Hideout without need of public hearing by filing a corrected or re-codified copy of the same with the Hideout Clerk office.

11.01.122: ADMINISTRATIVE DETERMINATION FOR USES NOT LISTED:

Determination as to the classification of uses not specifically listed in this title, shall be made by the zoning administrator and shall be subject to appeal to the board of adjustment as set forth in chapter 5 of this title. The procedure shall be as follows:

A. Request For Determination: A written request for such a determination shall be filed with the zoning administrator. The request shall include a detailed description of the proposed use and such other information as may be required.

B. Investigation: The zoning administrator shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title, and shall make a determination of its classification based on these investigations.

C. Determination; Time Limit: The determination of the zoning administrator shall be rendered in writing within a reasonable time. The determination shall state the zone classification in which the proposed use will be conditional or permitted, as well as the findings which established that such use is of the same or similar character as uses permitted in that zone classification. Upon making this decision, the zoning administrator shall notify the applicant in writing of the decision.

D. Decision Permanent Public Record; Status: The determination and all information pertaining thereto shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the planning department. Such use shall become a permitted or conditional use in the class of district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations or the zone classification.

11.01.123: ADMINISTRATIVE REVIEWS, CERTIFICATES AND PERMITS:

A. Zoning Review for Building Permits And Business Licenses: All applications for building permits shall be submitted to the community development department for zoning review. Such review shall assure compliance with the requirements of this code. The application for a building permit shall be accompanied by a plot plan showing lot lines and dimensions, locations of structures and improvements, building elevations, and all data necessary to ensure provisions of this code are met. The building department shall not issue any building permit until approved by the building official.

B. Conditional Use Permit: Applications for a conditional use permit shall be submitted to the planning department as provided for in this title. The planning commission chair shall assure completeness and prepare submittal for review and action by the planning commission. Permits approved by the planning commission shall be issued by the planning commission chair.

C. Zoning Amendments: Requests for amendments or changes to the zoning ordinance or zoning district map shall be initiated with the planning commission chair. The amendment process shall proceed as provided for in this title.

D. Home Occupations: Home occupation permits and applications for a home occupation permit shall be presented for review and approval to the planning commission chair.

Upon such approval, the planning commission chair is authorized to issue a land use permit as described in this title.

CHAPTER 2 DEFINITIONS

Section

- 11.02.101: DEFINITIONS
11.02.102: PURPOSE

11.02.101: PURPOSE:

For the purposes of this Title, the following terms and words and their derivations shall have the meaning as given herein. When inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and the plural the singular. Shall is always mandatory. Words not included herein, but which are defined in the building code shall be construed as defined therein. Words which are not included herein or in the building code shall be given their usual meaning as found in an English dictionary, unless the context of the words clearly indicates a different meaning. Definitions of words applicable particularly to certain chapters may be included in those chapters. All terms used in this Title which are not specifically defined herein are to be given their usual and standard definition. Disputes as to the definition of a term not specifically defined herein shall be referred to the Board of Adjustment for resolution.

11.02.101: DEFINITIONS:

The following words shall have the described meaning when used in this ordinance, unless a contrary meaning is apparent from the context of the word:

- (1) Accessory Building. A building or structure, the use of which is incidental and subordinate to the main building and more than ten feet away from any main building or structure.
- (2) Accessory, Residential Dwelling for Non-Residential Uses. A dwelling unit accessory to a non-residential use located on the same premises, to be used solely for persons employed on the premises.
- (3) Accessory, Residential Unit. A secondary dwelling unit attached to the existing single family dwelling with accessibility between the unit and main dwelling solely for the housing of a blood relative, which shall not be a rented unit.
- (4) Accessory Use. A use that:

- (a) is customarily incidental to and found in connection with a principal or main use;
 - (b) is subordinate to and serves a principal or main use;
 - (c) is subordinate in extent, area, or purpose to the principal or main use;
 - (d) is located on the same lot as the principal or main use; and
 - (e) contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal or main use.
- (5) Agriculture. The act or science of cultivating the ground, the act or science of the production of plants and animals useful to man or beast; and includes gardening or horticultural fruit growing, storage and marketing.
- (7) Alteration. Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls, as well as any change in doors, windows, means of ingress or egress, or any expansion or diminution of a building or structure.
- (8) Altered. Any change in the construction or addition to a building that increases the capacity or changes the use.
- (9) Athletic, Tennis, or Racquet Club. An establishment providing facilities for physical development, exercise, sports, or recreation. Facilities may include exercise equipment, indoor and/or outdoor racquetball or tennis courts, jogging track, swimming pools, skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.
- (10) Auto Repair. A building or premises used for the repair of any passenger auto, pick-up truck, semi-tractor, recreational vehicle or similar vehicles where the repair includes but is not limited to the rebuilding of engines, transmissions or differentials.
- (11) Auto Wrecking, Salvage Yard. See also junkyard. Any lot, portion of lot or tract of land used for the storage and keeping of salvage, including scrap metals or other scrap material, or for dismantling or demolition of automobiles or equipment, machinery or parts thereof; provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.
- (12) Average Slope. The average slope of a parcel of land or any portion thereof shall be computed by applying the formula:
 $S = 0.00229 IL$

A. to the natural slope of the land before any grading is commenced, as determined from a topography map having a scale of not less than one inch equaling one hundred (100) feet and a contour interval of not less than five (5) feet, where:

S = Average percent slope

0.00229 = A conversion factor of sq. feet to acres

I = Contour interval, in feet

L = Summation of the length of contour lines, in feet within the subject parcel

A = Area in acres of the parcel or any portion thereof.

(13) Barn / Agricultural Building. An accessory structure upon a lot customarily used for the housing of animals/livestock, storage of crops or feed, and/or machinery used in bona fide agricultural activities.

(14) Batching Apartment. A dwelling unit occupied by three (3) or more batching singles who are jointly utilizing the kitchen facilities of the dwelling unit.

(15) Batching Singles. Three (3) or more unrelated persons who are occupying a dwelling unit.

(16) Bed and Breakfast. A single-family residence Occupied by an owner-operator, with no more than eight (8) bedrooms located in the main residence, providing temporary accommodations (for compensation) on a nightly basis, not to exceed thirty days.

(17) Big Box Retail. Any single retail store with a gross main floor area of over forty thousand (40,000) square feet.

(18) Block. An area of land entirely bounded by streets.

(19) Bond: A document that complies with the standards contained in this Title and the state code, and which binds the parties thereto to take certain action if particular conditions are not met.

(20) Buildable Envelope. A three dimensional space on a lot within which a structure is permitted to be built. The space does not include any required yard or open space. Buildable areas must be defined on subdivision plats.

(21) Building, Detached. A freestanding building that has open space on all four sides.

(22) Building Height. The vertical distance measured from the corresponding natural grade point to the highest point of the roof.

(23) Building Inspector. The individual(s) appointed by the Town of Hideout to enforce the provisions of the building code.

(24) Building, Main. The building or buildings on a site which house(s) the main use.

- (25) Building Official. The Town of Hideout Building Official.
- (26) Building, Public. A building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah or any of its subdivisions including county and municipality in connection with a public use.
- (28) Caliper. A standard for trunk measurement of nursery stock, determined by measuring the diameter of the trunk six (6) inches above the ground for up to and including five (5) inch caliper size, and twelve (12) inches above the ground for larger trees.
- (29) Carport. A covered automobile parking space that is not completely enclosed by walls or doors.
- (30) Child-Care, Center. A childcare facility that regularly provides custodial care for six (6) or more children during the part of any day.
- (31) Child-Care, Home. A childcare facility operated on residential premises.
- (33) Church or Temple. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, which building, together with its accessory buildings and uses, is maintained and controlled by a religious body.
- (34) Civil Engineer. A professional engineer registered in the State of Utah to practice in the field of civil engineering.
- (35) Clinic, Dental and Medical. A building in which a group of physicians, dentists, and allied professional assistants are associated for the carrying on of their professions including a dental or medical laboratory. Clinic does not include inpatient care or operating rooms for major surgery.
- (36) Club, Limited Membership. A building or other structures constructed in accordance with a properly approved plan and used as an integral part of a park or large scale development and operated by an organized association of persons for social, fraternal, religious, or patriotic purposes for the benefit of the members and guests and not for the general public, and may include eating facilities, club administrative offices, off-street parking and retail establishments for the sale of goods and services consumed on the premises. It may also include auxiliary recreational facilities such as swimming pools, gymnasiums, tennis courts and hunting preserves, but a limited membership club shall not include sleeping accommodations nor facilities which are open to use by the general public.
- (37) Clustering. A subdivision or development design technique that concentrates the buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

- (38) College. An independent institution of higher learning offering a course of general study.
- (39) Common area. An area of common ownership designed to serve the recreational, open space or other similar needs of two or more lots or dwelling units in separate ownership.
- (40) Community Use. The uses that have the primary purpose of serving the educational, recreational, religious or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private non-profit recreation grounds, public parks, public buildings, public facilities, cemeteries and other similar uses. This definition shall not include such uses as detention facilities, half way houses, alcohol rehabilitation centers, and other similar uses.
- (41) Conditional Use. A land use that because of its unique characteristics, or potential impact on the Town of Hideout and/or surrounding neighbors or adjacent land uses, may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in this Land Use Ordinance for those uses.
- (42) Condominium. The ownership of a single unit in a multi-unit project or structure which may be combined with an undivided interest in the common areas and facilities of the property and meeting all requirements of the Condominium Ownership Act of the State of Utah.
- (43) Condominium Project. A project planned in accordance with the Utah Condominium Ownership Act, including, without limitation, all units, limited common area, and common area within the project.
- (44) Conservation Easements. An easement voluntarily placed on property to ensure that no future development will occur. The easement will be held by a third party and maintained in perpetuity.
- (45) Convenience Store. A building that contains less than five thousand (5,000) square feet and is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food and non-food products.
- (47) Density. The number of Equivalent Residential Units per acre.
- (48) Developer. Any person or entity proposing to divide land for the purposes of selling smaller parcels, or any person or entity proposing to change or increase the use of a tract of land in the Town of Hideout.
- (49) Developable Area. The portion of a site or building lot that is not within any areas considered to be physical constraints or within required setbacks. In the case of raw

ground developable would mean areas that can be serviced by required infrastructure including roads, sewer and water.

(50) Development. The total area of the parcel of land on which a building permit is to be issued, or the total area of property being improved.

(51) Drainage Ditch. Any system of canal(s) or ditch(es) naturally existing or constructed to carry surface and/or subsurface water to a natural stream, whether or not the ditch(es) or canal(s) carry water filed upon by individual(s) to be used for irrigation purposes.

(52) Driveway. A private roadway for access of vehicles to a residence, parking space, garage or other structure.

(53) Dwelling. A building or portion thereof designed or used for residential occupancy, including one-family, two-family, multi-family, and apartment structure; but shall not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.

(54) Dwelling, Multiple Family Unit. A building arrangement designed for and/or occupied by three or more families.

(55) Dwelling, Single Family Attached. A dwelling unit sharing a common wall or walls, but located on an individual lot.

(56) Dwelling, Single Family Detached. A building designed for and occupied exclusively by one family on a separate lot and not sharing any common wall.

(57) Dwelling, Two Family. Two dwellings sharing a common wall or walls and located on one lot.

(58) Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation.

(59) Engineering Geologist / Geotechnical Engineer. A licensed geotechnical or geological engineer concerned with the application of geological knowledge to engineering problems.

(60) Environment. The sum total of the surroundings, which includes both natural and man-made elements.

(61) Equivalent Residential Units. The number of residential equivalents to determine density based on sewer, water and square footage of a structure.

- (62) Excavation. The mechanical removal of earth material.
- (63) Expansion. An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.
- (64) Family. An individual or two or more persons related by law, blood, marriage, or adoption or up to two unrelated persons, living together in a single dwelling unit and maintaining a common household.
- (65) Family Care Home. A dwelling wherein room, board, care, and supervision are provided by the resident family in a home setting to persons who are handicapped, mentally ill, or mentally retarded and who are provided with a program of services including training in vocational and recreational activities. To qualify, the dwelling must be approved or operated by an agency of the Utah State Government.
- (66) Family Day-Care Center. A dwelling or place of business wherein a resident family provides ordinary care and supervision during customary daytime periods to non-related persons. To qualify for a Day-Care Center, an agency of Utah State Government must approve the dwelling or place of business
- (67) Family Food Production. The production of food through gardening or horticulture, for the sole use of the family occupying the premises. The raising of animals or fowl is not included in this definition.
- (68) Farm. A business enterprise in which land is used for the production of food, feed, or fiber.
- (69) Farm Animals. Animals and fowl such as commonly used for food or fiber production or as a beast of burden, for commercial purposes or for pleasure.
- (70) Farm Industry. The keeping and raising of farm animals and/or fowl for domestic or commercial use such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches, and similar uses, and accessory uses thereto.
- (71) Fast Food Eating Establishment. Any establishment where foods or beverages are prepared for consumption and consumption occurs in either the building, on the premises or within a motor vehicle parked thereon, or off-premises and whose operation includes one or more of the following characteristics:
- (a) Food or beverages are served to the occupants of a motor vehicle while seated therein (e.g., drive-through window or drive-in); and
 - (b) Food and beverages are usually served over a general service counter for the customer to carry to a seating area within the restaurant, to a motor vehicle, or off-premises.

- (72) FEMA. An acronym for the Federal Emergency Management Agency.
- (73) Fence. A structure erected to provide privacy or security that defines a private space or is used to constrain domestic animals.
- (74) Fence, Sight-Obscuring. A fence that is three (3) feet or more in height that is constructed or planted in such a fashion that causes fifty (50) percent or more opaqueness at any angle of view through such fence.
- (75) Fill. Earth material that has been deposited by artificial means.
- (76) Final Plan. A plan of development showing the layout and dimensions of the streets, easements, common areas and other features of a development in accurate detail, prepared in accordance with the Town of Hideout Design and Construction Standards Handbook.
- (77) Final Plat. A plat or plats of a development that has been prepared for recording purposes in accordance with the applicable standards.
- (78) Flood, Base - 100 Year Flood. The flood from whatever source having a one (1) percent chance of being equaled or exceeded in any given year, otherwise commonly referred to as the one hundred (100) year flood.
- (79) Flood Channel. A natural or artificial water course with definite bed and banks to confine and conduct flood water.
- (80) Flood Plain. Zone a hundred (100) year flood area) areas as defined in FEMA's Federal Insurance Rate Map of the Town of Hideout.
- (81) Floor Area. The sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.
- (82) Foster Home. A dwelling unit where minor children, not related by blood, marriage or adoption, are cared for and furnished board and room with or without compensation on a continuing basis.
- (83) Fraternal & Benevolent Society. A chartered, nonprofit social club or lodge with or without dining facilities and cocktail lounges composing a branch of a fraternal order, or society such as Elks, Masons, American Legion, Eagles, Optimists, Odd Fellows, Kiwanis, Rotary, and other similar nonprofit fellowship organizations which are open only to members and their duly authorized guests.
- (84) French Drain. A sump or trench filled with crushed rock or gravel intended to receive storm water discharge.

(85) Frontage. The distance between the two side lot lines of a parcel measured along the street, or streets of a corner lot, which the parcel is allowed to access. For purposes of this Title, temporary turn-arounds, dead ends of roadways, or emergency accesses shall not be used as frontage.

(86) Garage, Private. An attached or detached building accessory to a dwelling on the premises designed or used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory.

(87) Garage, Public. A building or portion thereof, other than a private garage, designed or used for the storing, servicing, repairing, equipping, hiring, or selling of motor-driven vehicles.

(88) Garage, Yard Sale. The sale of personal belongings in a residential zone, which sale is conducted by a legal resident of the premises.

(89) Gasoline, Retail. A building or premises used for the sale of gasoline and limited amounts of other oil products. Such premises may also include the sale of food products.

(90) General Plan. A coordinated plan which has been prepared and adopted by the Town of Hideout for the purpose of identifying present and future needs of the Town of Hideout and guiding the growth and development of land within the Town or any part of the town, including uses of land for urbanization, trade, industry, residential, agricultural, wildlife habitat, and other purposes.

(91) Grade, Natural. A measurement of the degree of slope on the undisturbed, natural surface of the ground.

(92) Grade, Finish. A measurement of the degree of slope on the disturbed surface of the ground.

(93) Grading Plan. A topographic development plan prepared by a registered civil engineer showing contours for before and after grading.

(94) Grouping of Residential Lots. A development design technique that concentrates the lots in specific areas on a site to allow remaining land to be used for recreation, common spaces, or the preservation of historically or environmentally sensitive features.

(95) Gross Floor Area. The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, but not including interior or exterior parking spaces, or loading space for motor vehicles.

(96) Guest. A person or persons staying or receiving services for compensation at a hotel, motel, rooming house, rest home, timeshares or similar use.

(97) Handicapped Person. A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned or coordinated to allow the person to function in, and contribute to, a residential neighborhood.

(98) Hard Surface. An impermeable, dust-free surface such as concrete or asphalt. Road base does not qualify.

(99) High Water Table. A condition where the ground water is less than six (6) feet below the ground surface.

(100) Home Occupation. A nonresidential activity, conducted entirely within a dwelling unit, which is clearly incidental and secondary to the use of the dwelling for residential purposes.

(101) Homeowners Association. An incorporated non-profit organization operating under recorded land agreements through which: (a) each lot/home owner is automatically a member; and (b) each lot is automatically subject to a proportionate share of the expenses for the organization's activities and interest, such as maintaining and operating open spaces, landscaping, common property or facilities.

(102) Hotel. A building containing guest rooms in which lodging is provided for compensation to transient or permanent guests or both, and where no provision is made for cooking in the guest rooms, and in which commercial services may be provided for guests.

(103) Household Pets. Animals or fowl ordinarily permitted in the house and kept for company or pleasure and not for profit, such as dogs, cats, and canaries, but not including a sufficient number of dogs to constitute a kennel. Household pets shall not include chickens or any animals that are capable of inflicting harm or discomfort or endangering the health, safety, or welfare of any person or property. The number of household pets shall be limited to that allowed by the provisions of each respective zone as set forth in this Title.

(104) Illegal Lot. An illegal lot is any lot or parcel of land which was not created in conformance with the Town of Hideout ordinance in effect at the time the lot was recorded.

(105) Junk. Any scrap, waste, reclaimable material or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal or other use or disposition. Junk includes but is not limited to, tires, furniture, tools, paper, rags,

plastics, cordage, scrap iron or other metal, glass, building materials, machinery and appliances or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.

(106) Junkyard. An open area where junk, used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. An automobile wrecking yard or a salvage yard is also considered a junkyard. The use of buildings used in conjunction with an operation does not exclude the operation from the definition unless the operation is wholly within the buildings and there is no outside storage.

(107) Kennel. An establishment having three or more dogs, cats or other household pets for the purpose of boarding, breeding, buying, letting for hire, training for fee or selling.

(108) Landscaping. The installation of plant materials (i.e., lawn, ground covers, annuals and perennial flowering plants, vines, shrubs, and trees), planted directly on the property.

(109) Limits of Disturbance. The area(s) in which construction and development activity must be contained, including development and construction of the principal building and permitted accessory structures, play areas, and on-site septic tanks, utilities, drainage, and other services.

(110) Livestock Corral. A place or pen where livestock are kept as part of an agricultural or livestock operation as distinguished from a livestock feed lot.

(111) Livestock Feed Lot. A feeding operation on a parcel of land where livestock are conditioned for market on a year-round basis and where the feed is brought to the yard, as contrasted to feed obtained through grazing the animals on the premises.

(112) Lot, Area. The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.

(113) Lot, Building. A parcel of land which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth applicable to the zone in which it is located, and having frontage on a public or approved private street.

(114) Lot, Corner. A building lot situated within a corner created by the intersecting lines of a street or streets that has frontage on two (2) sides.

(115) Lot, Flag. A lot that does not have the required frontage on a Town of Hideout Road or private road built to the Town of Hideout Standards. Access to the buildable portion of the lot is through a narrow private access that is contiguous and part of the lot.

- (116) Lot, Inside Gore-Shaped. A lot where side lot lines converge towards the rear to a point or the rear lot line width is less than half the required width for the lot in the applicable zone.
- (117) Lot, Interior. Any building lot other than a corner lot.
- (118) Lot Line, Front. Any street right-of-way line of record or established by use, which forms one or more boundaries of a lot.
- (119) Lot Line, Rear, For Corner Lots. The interior lot line which has been designated as the rear lot line determined by the direction the house faces.
- (120) Lot Line, Side, For Corner Lot. All interior lot lines for multi-frontage lots; for other corner lots, that interior lot line which the lot owner has designated as the side lot line.
- (121) Lot Line, Side, For Interior Lots. Those interior lines lying opposite each other, running between the front and rear lot lines, or in the case of a multi-frontage lot, those interior lines which run between the two front lot lines
- (122) Lot, Multi-Frontage. Any building lot, the centerline of which intersects two front lot lines and which has no rear lot line.
- (123) Lot, Double Frontage. Any building lot which has both the front and rear yard line bounded by a street. This does not normally include corner lots.
- (124) Lot Width, For Corner Lots. The width of the lot as measured along both street frontages at the required setback.
- (125) Lot Width, For Interior Lots. The horizontal distance between the side lot lines measured along a line lying at right angles to the centerline of the lot at the point of the required setback.
- (126) Manufactured Home. A home or other building of new construction without attached axles or wheels which has been assembled fully, or in part, upon another site, or in a factory, and moved to the site upon which it is to be permanently assembled by truck, timber, dolly or similar conveyance; and which is placed upon a permanent foundation in compliance with the provisions of the Uniform Building Code.
- (127) Manufacturing. The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product or good.
- (128) Masonry. Stucco, brick, or rock.
- (129) Metes and Bounds. The description of a lot or parcel of land by courses and distances.

- (130) Mobile Home. A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailers or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home.
- (131) Motel. A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.
- (132) Nonconforming Lot of Record. A parcel of land that was legally created prior to the adoption of this Title.
- (133) Nuisance Strip. A parcel of property that does not meet the lot requirement for the zone where it is located and was created for the purpose of preventing access and utility extension to the adjacent property.
- (134) Off-Site. Pertaining to the territory outside the boundaries of a particular project.
- (135) On-Site. Pertaining to the territory within the boundaries of a particular project.
- (136) Open Space. Land which is not covered by dwellings or by pavement or other impervious material which has common ownership and is dedicated to be used perpetually by the owners or the public for some other purpose besides development.
- (137) Over-Size Facilities. Facilities with added capacity designed to serve other property, in addition to the land within the boundaries of a residential or nonresidential development site.
- (138) Parking Lot. An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
- (139) Pasture. An enclosure for animals in which no feed is provided except that which the animals obtain by grazing.
- (140) Physical Constraints Inventory. An inventory and analysis of environmental factors which may effect the potential of land development along with the identifying of critical and sensitive lands which need to be protected.
- (141) Planned Dwelling Group. A method of developing property that allows the concentration of development to an area of the property. This allows for large amounts of open space to remain undeveloped in perpetuity.

- (142) Planning Director. For purposes of this Title the term Planning Director shall mean the Director of the Planning and Zoning Department.
- (143) Planting Plan. A plan showing the location and dimensions of irrigation equipment and curbs and other protective features around the edge of the planting beds, and the location, dimensions, and species of plants to be planted.
- (144) Plot Plan. A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing structures and structures to be erected in the future, and showing the location of the lot in relation to abutting streets, and other such information.
- (145) Premises Occupation. An occupation conducted on any premises, outside of the main dwelling, by persons residing on those premises and subject to conditional use approval from the Planning Commission.
- (146) Pre-School, Home. An educational facility operated on residential premises, which regularly provide an educational program for not more than twelve (12) children (including the operator's natural, adopted, or foster children under six (6) years of age) at any one time.
- (147) Radio/Tele-Communications Tower. A structure intended for transmitting or receiving television, radio, or telephone communications that is primarily supported by its own foundation.
- (148) Record of Survey Map. A final plat prepared by a professional land surveyor that re-establishes land survey controls, boundaries, location of improvements or the alignment of right-of-ways for recording.
- (149) Recreational Vehicle. A trailer, camper, or motor home designed or used for sleeping by persons while traveling, but not intended as a permanent dwelling, and not constructed for permanent attachment to public utilities.
- (150) Residential Facility for Elderly Persons. A single family or multiple family dwelling unit that is not a business and offers primary care to a limited number of non-related elderly persons.
- (151) Restaurant. Any establishment which provides as a principal use, foods and beverages prepared for consumption within the establishment and whose operation includes both of the following characteristics:
- (a) Customers are provided with an individual menu and are served their food or beverage by a restaurant employee at the same table or counter at which said items are consumed; and

(b) The food and beverages are served on non-disposable plates or containers and non-disposable eating utensils are provided. A restaurant employee clears the table of trash.

(c) Notwithstanding the above, a cafeteria where food and beverages are:

(i) generally consumed within the establishment; and

(ii) served on non-disposable plates or containers with non-disposable utensils shall be included in this definition.

(d) A restaurant may provide take-out service, provided such service is clearly not the principal business of the restaurant and the take-out function is totally conducted inside of the building.

(152) Rest Home. A building for the care and keeping of elderly or infirm people affected with infirmities or chronic illness.

(153) Retail Drive-In. Any form of merchandising, serving, or dispensing of goods or services in which the customer is serviced while in his automobile.

(154) Retaining Wall. A wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

(155) Ridgeline. A ridge location that is visible from a major arterial, secondary or collector road that is seen as a distinct edge against a backdrop of sky or land.

(156) Ridgeline, Secondary. A ridge below the primary ridgeline that may or may not have a backdrop of sky.

(157) Road, Fire Apparatus (secondary). A road built to the Fire Apparatus standards as directed by the international Fire code and the Fire Marshall.

(158) Road, Primary. The main access road into a development.

(159) Road, Private. A road that is on private property and maintained by the property owners and not a public entity.

(160) Road, Public. A road that is dedicated to a public entity and maintained by a public entity.

(161) Satellite Dish. An antenna intended to receive signals from satellites and other sources.

- (162) School, Commercial. An establishment for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately and do not offer a complete educational curriculum.
- (163) School, College, University Private or Quasi-Public. A school operated by a private or quasi-public organization, or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a for-profit or nonprofit organization. This definition shall not include commercial schools.
- (164) School, Public. An educational facility operated by the Town of Hideout School District or other public agency of the State of Utah.
- (165) Secondary Residential Unit. A living unit subordinate and accessory to the main structure with living space found within the main dwelling unit for family of the occupants of the main structure only.
- (166) Septic Tank. A watertight receptacle that receives the discharge of sewage and is designed and constructed to permit the deposition of settled solids, the digestion of the matter deposited, and the discharge of the liquid portion into a leaching system.
- (167) Septic Tank Drainfield. A specified tract or parcel of land in which the sewage that flows from a septic tank is oxidized.
- (168) Setback. The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.
- (169) Service Station. A building or premises used for the sale of gasoline and oil products including the servicing of motor vehicles and the retail sale and installation of tires, replacement parts and accessories in and upon such vehicles; but not including paint, body and frame repair, or rebuilding of engines, transmissions, or differentials. Such premises may also include the sale of food products.
- (170) Sign. Any device for visual communication that is used for the purpose of advertising a product thereof to the attention of the public, but not including a flag pole which is used for the display of the state or national flag.
- (171) Slope. The ratio of the vertical distance moved to the horizontal distance moved, expressed in percentage or degrees, when traversing along the surface of land.
- (172) Soil Engineer. A civil engineer registered in the State of Utah with training and experience in soil engineering.
- (173) Solid Waste. Any discarded material that does not flow under stress.

- (174) Stable. A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale.
- (175) Story. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor or next ceiling above.
- (176) Street, Stub. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.
- (177) Street, Through. Streets that extend continuously between other major streets in the community.
- (178) Structure. That which is framed, erected, constructed or placed upon the ground; but not including fences that are six (6) feet or less in height.
- (179) Subdivision. The term "subdivision" shall have the meaning set forth in the Land Use Management Act in the Utah Code.
- (180) Surface Drainage. That amount of water run-off caused as a result of precipitation or irrigation.
- (181) Swimming Pool. A portable or permanent structure above or below grade, designed to hold water eighteen (18) inches deep or greater and/or two-hundred fifty (250) square feet or greater surface area and intended for therapeutic or recreational purposes. This definition does not include an ornamental reflecting pool, fish pond or other type of pool not used for swimming and/or wading and must be located and designed so as not to create a hazard.
- (182) Vacation Vehicle Court. An area or tract of land used to accommodate two or more vacation vehicles or camper units for a period of less than thirty (30) days.
- (183) Variance. A variation of, or deviation from the regulations or standards adopted by Ordinance, which the Board of Adjustment is permitted to grant.
- (184) Vocational School. A school that specifically trains people for a skill or trade to be pursued as a trade.
- (185) Yard. A space on a lot, other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Title.
- (186) Yard, Front. Any yard between the front lot line and the setback line of a main building and extending for the full width of the lot.
- (187) Yard, Rear. A yard between the rear lot line and the setback line of a main building, extending across the full width of inside lots and for corner lots a yard between

the rear lot line and the setback line of the building and extending between the side lot line and the front yard lying opposite

(188) Yard, Side. Any yard between the side lot line and the setback line of a main building, extending from the front yard to the rear yard.

(189) Yard, Street Side. On corner lots, the yard determined by the owner to be the side yard on the street and running from the front setback line to the rear property line.

(190) Youth Group Home. A dwelling unit wherein room, board, ordinary care, and supervision are provided in a family environment by the resident family or group home parents to persons who are unrelated to the resident family or group home parents and who are under the age of eighteen (18) years. To qualify, the dwelling unit must be approved by an agency of Utah State Government.

(191) Zero Lot Line Development. Single family dwellings arranged on lots with one common wall of the building located on the property line.

CHAPTER 3 ADMINISTRATION AND ENFORCEMENT

Section

- 11.03.101 ADMINISTRATIVE PROCEDURES
- 11.03.102 NOTICE OF PUBLIC HEARINGS
- 11.03.103 PLAT AMENDMENTS
- 11.03.104 BOUNDARY LINE ADJUSTMENTS
- 11.03.105 PROPOSED USES SUBSTANTIALLY SIMILAR TO PERMITTED USES BUT NOT PERMITTED IN THE ZONING DISTRICT
- 11.03.106 ADOPTION OF LOCAL STREET PLAN
- 11.03.107: ENFORCEMENT
- 11.03.108: INSPECTION
- 11.03.109: ENFORCEMENT ACTION
- 11.03.110: PENALTIES

11.03.101: ADMINISTRATIVE PROCEDURES:

The purpose of this chapter is to establish the administrative procedures for land use policy decisions in the Town of Hideout.

11.03.102: NOTICE OF PUBLIC HEARINGS:

1. The Town of Hideout shall give reasonable notice of any public hearing mandated by this Title, which notice shall be given in a manner consistent with the requirements of state law.
2. If notice given under authority of this section is not challenged as provided by State Law within thirty (30) days from the date of the meeting for which notice was given, the notice is considered adequate and proper.

11.03.103: PLAT AMENDMENTS:

Plat amendments that do not qualify for treatment as a Boundary Line Adjustment, shall be processed in accordance with the requirements of Utah State Statute. An application including a copy of the proposed amended plat shall be submitted to the Town of Hideout Offices.

11.03.104: BOUNDARY LINE ADJUSTMENTS:

1. Application. An application must be completed and the application fees paid. A complete application may be required to include a draft copy of the proposed plat as adjusted by the proposed boundary line adjustment. A determination of

- whether a new plat will be required will be made by the Hideout Legislative Body, depending upon the adjustments to be made to the property.
2. Processing. The Planning Staff shall review the application in accordance with Utah State Statute. If complete, the Boundary Line Adjustment may be processed.

11.03.105: PROPOSED USES SUBSTANTIALLY SIMILAR TO PERMITTED USES BUT NOT PERMITTED IN THE ZONING DISTRICT:

Any use proposed in a zoning district that does not specifically permit such use may be considered by the Hideout Legislative Body after a determination that the proposed use is substantially similar in type and impact to a permitted use in the Land Use district. The Hideout Legislative Body shall process and consider such proposed uses in the same manner as any amendment to the zoning Ordinance, except that such proposed uses may be considered at any time during the calendar year.

11.03.106: ADOPTION OF LOCAL STREET PLAN:

The Hideout Legislative Body may adopt and maintain a local street plan, which will provide long-range planning for local neighborhood streets. This process is intended to ensure that property within a given area can be adequately developed and serviced. Elements of this plan shall show the proposed streets layout, lots, and other features including existing utilities and water courses in relation to the existing and planned street within the development. The plan shall be prepared at a scale of not smaller than one inch equals four hundred feet. Upon recommendation by the Planning Commission, local street plan shall be submitted to the Hideout Legislative Body for adoption. The land developer shall coordinate with the Planning Department in developing the local street plan.

11.03.107: ENFORCEMENT:

A. The "ordinance enforcement officer" is hereby designated and authorized as the officer charged with the enforcement of this title. He/she shall enforce all the provisions of this title, entering actions in the court when necessary, and his/her failure to do so shall not legalize any violation of such provisions.

B. The Town Council may, by resolution or ordinance, from time to time, entrust the enforcement and administration of this title, in whole or in part, to any officer of the town, without amendment to this title.

11.03.108: INSPECTION:

A. The Town planner or building official is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this title; provided, however, that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification or repair of any building or structure.

B. The Town planner or any employee of the Town who is authorized to represent the Town shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this title; provided, that such right of entry shall be exercised only at a reasonable hour and that in no case shall entry be made to any occupied building or premises in the absence of the owners or tenants thereof without the written order of a court of competent jurisdiction.

11.03.109: ENFORCEMENT ACTION:

The provisions of this Title shall be administered by the Planning and Zoning Department under the supervision of the Hideout Legislative Body. The Director or his/her representative shall investigate alleged violations of this Title, and initiate enforcement actions if violations are found to exist. The failure of the Town of Hideout to enforce the requirements of this Title shall not operate to waive or stop the Town of Hideout from pursuing subsequent enforcement actions. Permits issued in violation of this Title shall have no force or effect.

11.03.110: PENALTIES:

It shall be unlawful for any person to violate any of the provisions of this Title. Any person, firm, partnership, corporation, or other entity, whether as principal, agent, employee or otherwise, violating or causing the violation of the provisions of this Title shall be guilty of a Class "C" Misdemeanor, and upon conviction thereof may be punished by a fine of not more than seven hundred and fifty (\$750.00) dollars per offense, or by imprisonment in jail for a period not more than ninety (90) days or by a combination of said fine and imprisonment.

CHAPTER 4 AMENDMENTS

Section

- 11.04.101: POWER OF PLANNING COMMISSION AND TOWN COUNCIL
- 11.04.102: PETITION FOR CHANGE
- 11.04.103: PLANNING COMMISSION REVIEW
- 11.04.104: PUBLIC HEARINGS; TOWN COUNCIL ACTION

11.04.101: POWER OF PLANNING COMMISSION AND TOWN COUNCIL:

The planning commission or town council may initiate proposals for change or modification of any section of this title as necessity may arise.

11.04.102: PETITION FOR CHANGE:

Any person desiring to initiate a change in this title or the zoning map shall submit a petition to the town planning commission chair explaining the request and the reasons therefor. The petition shall be accompanied by an amendment petition fee in an amount determined by the town fee schedule.

11.04.103: PLANNING COMMISSION REVIEW:

- A. Required; Time Limit: The planning commission shall review the petition and certify its recommendations to the town council.
- B. Conditions For Recommending Adoption: The planning commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the general plan, or that changed conditions make the proposed amendment necessary to fulfill the purposes of this title.
- C. Public Hearing: Prior to making recommendations to the town council regarding amendments to the general plan, the planning commission shall hold a public hearing and shall give notice of said hearing. Notice of hearing shall be published in at least one newspaper of general circulation in the town at least ten (10) days prior to such hearing.

11.04.104: PUBLIC HEARINGS; TOWN COUNCIL ACTION:

A. Public Hearing Required: A public hearing shall be held by the town council before any amendment or change shall be passed.

B. Procedure: Notice of such hearing shall be published in at least one newspaper of general circulation in the town at least ten (10) days prior to such hearing; and

C. Submission to Planning Commission Required: All proposed amendments shall be first submitted to the planning commission for its recommendation as provided in this chapter.

D. Decision of Town Council: After the required hearing on the proposed amendment, the town council may adopt, modify or reject such amendment.

E. Resubmission: Resubmission of an application for the same amendment shall not be allowed for a period of twelve (12) months. Any such resubmission shall follow the same procedures as the original submission.

CHAPTER 5 BOARD OF ADJUSTMENT

Section

- 11.05.101: APPOINTMENT, TERM, VACANCY
- 11.05.102: ORGANIZATION; PROCEDURES:
- 11.05.103: POWERS AND DUTIES
- 11.05.104: APPEALS
- 11.05.105: ROUTINE AND UNCONTESTED MATTERS
- 11.05.107: VARIANCES
- 11.05.108: DISTRICT COURT REVIEW OF BOARD DECISION

11.05.101: APPOINTMENT, TERM, VACANCY:

A. Board Created: In order to provide for just and fair treatment in the administration of this title, and to ensure that substantial justice is done, the town shall appoint a board of adjustment to exercise the powers and duties provided in this chapter. Unless otherwise designated in this Title, the Board of Adjustment shall be the Land Use Appeal Authority.

B. Membership; Appointment:

1. The board of adjustment shall consist of three (3) members and whatever alternate members that the chief executive officer considers appropriate.
2. The chief executive officer shall appoint the members and alternate members with the advice and consent of the legislative body for a term of three (3) years.
3. The chief executive officer shall appoint members of the board of adjustment to terms so that the term of one member expires each year.
4. No member of the board shall be allowed to serve for more than two (2) consecutive terms.

C. Alternate Members:

1. No more than two (2) alternate members may sit at any meeting of the board of adjustment at one time.
2. The town council shall make rules establishing a procedure for alternate members to serve in the absence of members of the board of adjustment.

D. Removal:

The chief executive officer may remove any member of the board of adjustment with or without cause.

E. Vacancies:

1. The chief executive officer, with the advice and consent of the town council, shall fill any vacancy.
2. The person appointed shall serve for the unexpired term of the member or alternate member whose office is vacant.

11.05.102: ORGANIZATION; PROCEDURES:

A. Elect Chairperson; Adopt Rules: The board of adjustment shall:

1. Organize and elect a chairperson; and
2. Adopt rules that comply with any ordinance adopted by the town council.

B. Meetings: The board of adjustment shall meet at the call of the chairperson and at any other times that the board of adjustment determines.

C. Administer Oaths; Compel Attendance: The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses.

D. Open Meetings; Records, Minutes:

1. All meetings of the board of adjustment shall comply with the requirements of Utah Code Annotated title 52, chapter 4, open and public meetings.
2. The board of adjustment shall:
 - a. Keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact; and
 - b. Keep records of its examinations and other official actions.
3. The board of adjustment may, but is not required to, have its proceedings contemporaneously transcribed by a court reporter or a tape recorder.
4. The board of adjustment shall file its records in the office of the board of adjustment.

5. All records in the office of the board of adjustment are public records.

E. Voting: The concurring vote of two (2) members of the board of adjustment is necessary to reverse or modify any order, requirement, decision or determination of any administrative official or agency, or to decide in favor of the appellant.

F. Decisions, When Effective: Decisions of the board of adjustment become effective at the meeting in which the decision is made, unless a different time is designated in the board's rules or at the time the decision is made.

11.05.103: POWERS AND DUTIES:

A. Generally: The board of adjustment shall hear and decide:

1. Appeals from zoning decisions applying the zoning ordinance;
2. Variances from the terms of the zoning ordinance.

B. Nonconforming Uses: The board of adjustment may make determinations regarding the existence, expansion or modification of nonconforming uses as delegated to them by the town council.

11.05.104: APPEALS:

Appeals to the Board of Adjustment shall be made as follows:

A. Standing to Appeal. Any person or entity (including a town department or elected official) affected by an administrative decision applying the Land Use Ordinance may appeal that decision to the Board of Adjustment by alleging that there is an error in any order, requirement, decision, or determination by an official.

B. Deadline for Filing Notice of Appeal. Notice of Appeal and all supporting documents shall be filed within thirty (30) days of decision or action taken by the official. Notice of Appeal shall be filed with the Planning Department.

C. Contents. Notice of Appeals shall state the administrative order, requirement, decision or determination from which the person or entity appeals, and shall specify the grounds for the appeal and circumstances related thereto. Any filings shall include copies of any documentary evidence or written arguments intended to be presented to the Board of Adjustment. A written appeal failing to specify grounds of appeal may be summarily dismissed by the Board of Adjustment, with or without prejudice. The brief should address all issues to be brought before the Board of Adjustment. Any new issues not

addressed in the brief that are put forth at the hearing, shall be grounds to continue the matter to allow for adequate time to respond to the new issues.

D. Determination of Hearing Date. Within five (5) business days of receipt of a Notice of Appeal, the applicant will be informed of a date for the hearing before the Board of Adjustment, which shall be no sooner than thirty (30) days thereafter, and no later than seventy five (75) days thereafter.

E. Record Sent to Board of Adjustment. The official responsible for the administrative decision being appealed shall refer to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken, at least seven (7) days prior to the hearing.

F Appeal Stays Action. An appeal stays all proceedings unless the Planning Department certifies to the Board of Adjustment that a stay would cause imminent peril to life or property, or irreparable harm.

G. Burden of Proof. The person or entity making the appeal has the burden of proving that an error has been made.

H. Actions of Board of Adjustment. In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, condition, decision or determination as ought to be made. The majority vote of the members of the Board shall be necessary to reverse any order, requirement, decision or determination applying the Land Use Ordinance.

I. Appeal of Decision of Board of Adjustment. Any person or entity aggrieved by a decision of the Board of Adjustment may petition the district court for a review of the decision as permitted by Utah State Law.

11.05.105: ROUTINE AND UNCONTESTED MATTERS:

A. The planning staff is hereby authorized to decide certain matters, as designated by the board of adjustment, that are consistent with the guidelines established by this title and state law and the rules adopted by the board of adjustment. Pursuant to that authority, the zoning administrator may decide all cases which are routine in nature, uncontested, that do not impact the character of the neighborhood, are primarily brought about by recent changes in the zoning ordinance or town initiated development or construction that has resulted in the creation of nonconforming structures or uses. The specific types of decisions the zoning administrator is authorized to make shall include:

1. The determination of a nonconforming use which can be verified by substantial evidence. "Substantial evidence", for the purpose of this section, shall mean official documents, including any written correspondence, receipts, permits or

documents issued by a public body or agency thereof, etc., that may establish the truth of the matter asserted by the applicant;

2. Consider additions or alterations to existing buildings and structures, which are nonconforming as to height, area or yard regulations; providing, that the addition follows the existing wall lines and no additional dwelling units are added to the building or structure;

3. Change in the status of a nonconforming use to a less intense use than that immediately preceding the proposed use;

4. Final review and approval on plans where the board has required that a final plan be submitted for special approval, showing that all requirements imposed by the board in granting the original approval have been complied with; and

5. The granting of a variance in the very limited instance wherein the applicant and the town are in complete agreement regarding all issues, and that the spirit and intent of this title is satisfied and that all criteria required statutorily for a variance has also been satisfied.

B. Notice Requirements: The notice requirements established by this title, that are required before a hearing on a variance, must still be satisfied by the zoning administrator. However, in lieu of giving notice of a time, date and place of a hearing, the zoning administrator's notice shall provide for a time frame within which all interested parties may submit their input to the zoning administrator. All responses received pursuant to the notice shall become a permanent part of the file.

Appeal: A decision of the planning staff may be appealed to the board as provided for in this chapter.

11.05.107: VARIANCES:

A. Authorized: Any person or entity desiring a waiver or modification of the requirements of this title as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the board of adjustment for a variance from the terms of this title.

B. Applications. Applications for variance shall be filed with the Town of Hideout Offices. Applications shall contain the following information:

1. A description of the requested variance together with a designation of that section of the Hideout Planning, Land Use and Development Code from which relief is being requested;

2. An accurate plot plan, if appropriate, indicating the manner in which the variance will be applied and its effect upon adjacent properties; and

3. A filing fee as established by ordinance.

C. Public Hearing. Upon receipt of a complete application as determined by the Planning Department, a public hearing shall be set with the Board of Adjustment for the next available meeting date.

D. Burden of Proof. The applicant for a variance shall bear the burden of proving that all of the foregoing conditions are satisfied as determined by the planning department.

E. Findings Required. The Board of Adjustment may authorize variances from the requirements of this Title, only when those variances serve the public interest, and are consistent with State law. In addition the Board of Adjustment may not grant use variances. The majority vote of the members of the Board of Adjustment shall be necessary to grant a variance.

F. Requirements for Granting a Variance. The Board of Adjustment may grant a variance only if all of the following conditions are met:

1. Literal enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Ordinance;
2. There are special circumstances attached to the property that do not generally apply to other properties in the same districts;
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the Land Use Ordinance is observed and substantial justice done.

G. Unreasonable Hardship. In determining whether or not enforcement of the Land Use Ordinance would cause unreasonable hardship under Subsection Five (5)(a), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship:

1. Is located on or associated with the property for which the variance is sought; and
2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(i) In determining whether or not enforcement of the Land Use Ordinance would cause unreasonable hardship under Subsection Five (5)(a), the

Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed. .

(ii) In determining whether or not there are special circumstances attached to the property under Subsection Five (5)(a), the Board of Adjustment may find that special circumstances exist only if the special circumstances:

(A) Relate to the hardship complained of; and

(B) Deprive the property of privileges granted to other properties in the same district.

H. Meeting Conditions. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

I. Variance Applicability. Variances run with the land.

J. Use Variance. The Board of Adjustment and any other body may not grant use variances.

K. Additional Requirements. In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:

1. Mitigate any harmful affects of the variance; or

2. Serve the purpose of the standard or requirement that is waived or modified.

11.05.108: DISTRICT COURT REVIEW OF BOARD DECISION:

Any person adversely affected by any decision of a board of adjustment may petition the district court for a review of the decision as provided by state law.

CHAPTER 6 DEVELOPMENT STANDARDS, APPLICABILITY AND REGULATIONS

Section

- 11.06.101: PURPOSE
- 11.06.102: LANDS TO WHICH HIDEOUT DEVELOPMENT STANDARDS APPLY
- 11.06.103: PHYSICAL CONSTRAINTS RESTRICTIONS
- 11.06.104: ERU CALCULATIONS
- 11.06.105: TRANSPORTATION
- 11.06.106: PUBLIC SERVICES
- 11.06.107: OPEN SPACE
- 11.06.108: BUILDING ELEMENTS
- 11.06.109: REQUIREMENTS FOR COMMERCIAL/INDUSTRIAL BUILDINGS:
- 11.06.110: SETBACKS
- 11.06.111: MINIMUM LOT FRONTAGE
- 11.06.112: WEED CONTROL
- 11.06.113: IMPACT FEES
- 11.06.114: DENSITY INCREASES
- 11.06.115: FIRE SPRINKLERS REQUIRED
- 11.06.116: SALE OF PROPERTY UNDER CONDOMINIUM OWNERSHIP ACT
- 11.06.117: DEVELOPMENT APPLICATION PROCESS

11.06.101: PURPOSE:

The establishment of the Hideout Development Standards ("HDS") is to achieve development that can work in unison with the surroundings to maximize the beauty, enjoyment and long term stability and accomplish the following purposes:

1. To preserve and protect the natural beauty of the Hideout; and
2. To establish regulations by which development may take place.
- 3.

11.06.102: LANDS TO WHICH THE HDS APPLIES:

The HDS shall apply to all lands within the the Town of Hideout.

11.06.103: PHYSICAL CONSTRAINTS RESTRICTIONS:

No land shall be developed that does not conform to the physical constraints standards established by recommendations of a geological engineer or a geotechnical engineer licensed in the State of Utah for the particular development, subject to approval by the legislative body

11.06.104: ERU CALCULATIONS:

ERU calculations shall be based upon the Unit Equivalent Chart attached as Appendix 6 hereto.

11.06.105: TRANSPORTATION:

1. Roads. Planned roads within a development should connect when practical to roads planned in the adjoining development, and be kept open to the public at all times, unless special approval is granted by the Hideout Legislative Body to allow a gated community.
2. Retaining Walls. No retaining wall shall exceed ten (13) feet in height without a step or horizontal break of at least three (3) feet. However, on a limited basis, walls without the three (3) foot break may be approved, if the developer can show that the appearance of the retaining wall, without the required three (3) foot steps can be mitigated or that physical constraints limit the ability to provide the required step. Timber retaining walls are discouraged. Retaining wall material shall be colored to blend with the environment.
- 3.

11.06.106: PUBLIC SERVICES:

1. Sewer. All lots shall be served with public sewer, except that if the property line is more than three hundred (300) feet from a sewer line, and an owner wishes to build one (1) residence on a parcel of land of at least ten (10) acres, a septic system for the single residence may be permitted if approved by the health department and Hideout Legislative Body.
2. Water. All lots shall be served with a public water source, if such is available within five hundred (500) feet of any portion of the lot, and the lot is a minimum of ten (10) acres in size. In the event a private well is allowed by the Hideout Legislative Body it must meet all Town and State requirements.
3. Storm Water Management. All developments and lots contained therein shall control the release of storm water run-off by complying with the regulations established in the Hideout Water Quality Management Plan, which is attached hereto as Appendix 2.
4. Utilities. All developments shall supply stub-outs to each lot contained in the development for all utilities including, but not limited to natural gas, telephone,

- electricity, cable television, etc. In the event, wireless solution for phone, internet and television are used, an implementation plan will be provided for approval.
5. Snow Removal and Road Maintenance. Snow removal and road maintenance will be the responsibility of the Homeowner's Association within each development for roads contained therein, except for any roads, or portions thereof, which are specifically accepted and dedicated as public roads, at the time of approval of the development, by the Town of Hideout. All roads accepted and dedicated as public roads by the Town of Hideout shall be maintained and snow removed by the Town of Hideout. All developments will be planned with snow removal requirements in mind.
 6. Garbage. Construction debris shall be properly disposed of by the contractor prior to a Certificate of Occupancy being granted for any building.
 - 7.

11.06.107: OPEN SPACE:

A minimum of twenty (20) percent open space is required within each development. The intent of the open space is that some open space shall be available for gathering spaces, parks, golf courses, playgrounds and other areas that is easily accessible to people who may not be able to access steeper areas.

1. Sensitive Areas. All areas which have been designated as a sensitive area shall remain as open space, but may be counted toward the open space requirement for the development. If any development has a larger amount of sensitive area than is required for their development, density allowances for the extra land required to be left in open space may be transferred to other areas if requested and if such transfer will not result in an over-crowding of the area to which it is being transferred.
2. Contiguous. Open spaces shall be designed to be as contiguous as possible.
3. Usable. Wherever possible lands designated as open spaces should be usable for hiking and biking trails and small parks.
4. Maintenance. Provisions must be made for regular maintenance of all open spaces. In the case of open space that is left in its native conditions a management plan may be required.
- 5.

11.06.108: BUILDING ELEMENTS:

All buildings shall be designed to meet the requirements of the Hideout Development Area Design Guidelines. Evidence of conformance to the Design Guidelines shall be in the form of typical drawings and in through the Developer CC&R's and Design Review Guidelines that bind future buildings in the development to at least the minimum standards that are established by the Hideout Development Area Design Guidelines and as approved by the Hideout Legislative Body.

11.06.109: REQUIREMENTS FOR COMMERCIAL/INDUSTRIAL BUILDINGS:

1. Parking and Pedestrian Access.
 - a. Pedestrian access to all public right-of ways and between all structures within the development.
 - i. Access through parking areas shall be separated from vehicular traffic. Pedestrian access should be defined.
 - ii. Crossings through parking areas should be minimized.
 - iii. Lighting analysis and plan be provided. Lighting plan should comply with dark sky initiative.
 - iv. If developments have more than one parcel, an overall pedestrian plan shall be submitted and approved as part of the preliminary approval.
2. Traffic Impact Study. A traffic impact study may be required by the Town of Hideout, and must be prepared by a registered traffic engineer. The traffic study shall include an analysis of on-site circulation, capacities of existing streets, number of additional trips, which will be generated, origin/destination studies and peak home traffic generation and movements.
3. Landscaping. For the purpose of buffering and site compatibility with surrounding development, commercial and industrial projects may require additional landscaping and architectural integration. Landscaping areas and buffer strips may be increased to ensure compatibility. Site compatibility is particularly important when commercial or industrial Projects are developed adjacent to residential and professional office buildings.
4. Fencing/Screening. Fencing may be allowed depending on the adjacent land use and the applicant's security needs. Screening of any outside storage shall be required, if appropriate, with a combination of fencing, walls, live plants and/or earth berming.
5. Fences shall be constructed so that significant variations in top line, bottom line and/or height do not occur due to erratic grading of the site.

11.06.110: SETBACKS:

All setback lines shall be reviewed for recommendation by the Planning Commission and subject to final approval by the Legislative based upon a visual assessment of the property and the use for which it is intended. Building setbacks shall vary from structure to structure within any one (1) lot or development. Setbacks shall also vary from those on adjoining roadway-oriented property to avoid creating a walled effect. Buildings shall be located in such a manner as to enhance and frame views as determined in the visual assessment, to allow for appropriate gathering and seating areas in commercial nodes, and to maximize the usable space on the lot.

11.06.111: MINIMUM LOT FRONTAGE:

Each lot or parcel of land in a residential development shall abut a public road or road built to town standards, for a minimum distance of seventy (70) feet on a line parallel to the centerline of the road or around the circumference of a cul-de-sac.

11.06.112: WEED CONTROL:

The developer shall be responsible for the control and eradication of noxious weeds on all areas of the property including graded and disturbed areas until such time that the individual lot is sold, at which time the individual lot owners shall become responsible.

11.06.113: IMPACT FEES:

Each development and each individual lot contained within each development shall be subject to all Town of Hideout Impact Fees for the Town of Hideout, as adopted and amended from time-to-time.

11.06.114: DENSITY INCREASES:

The Hideout Legislative Body, after public hearings, may award reasonable increases in density where appropriate and not barred by sensitive lands, as a means of compensating owners for dedication or contribution of approved schools sites, public facilities or increased open space above the required amount. Such density increases may not exceed twenty five (25) percent of the lowest base density that would have been granted for the land use. The twenty five (25) percent maximum shall be calculated based upon the lowest base density, and only one (1) bonus may be granted for any qualifying category. Developer can request bonus density of one (1) unit for every 500 feet of paved (minimum 5' width) public trails, and will therefore reduce open space requirement proportionately.

11.06.115: FIRE SPRINKLERS REQUIRED:

All building constructed or modified within Hideout shall be required to install fire sprinklers. Fire sprinklers shall be installed in accordance with applicable building codes.

11.06.116: SALE OF PROPERTY UNDER CONDOMINIUM OWNERSHIP ACT:

Where all or part of a development is structured as a condominium project, the documentation for the project shall comply with the provisions of the Utah Condominium Ownership Act, as well as with the provisions of the Town of Hideout Code. To the extent there is a conflict between the provisions of this Title and the Act, the provisions of the Act shall control. All condominium projects must be submitted to the Planning Commission and approved by the Hideout Legislative Body. No declaration, bylaw, or other instrument required by or under the act, shall be recorded in the office of the Town Recorder unless and until the declaration, by law, or other instrument shall have been submitted to and approved by the Hideout Legislative Body.

11.06.117: DEVELOPMENT APPLICATION PROCESS:

1, Concept Plan.

A Concept Plan shall be prepared for all proposed developments. The Concept Plan shall conform to the goals of the Plan and the Town of Hideout Code relating to the zone governing the application. As used in this process the term "Concept Plan" refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about the layout for open space lands, development sites, public trails, and street alignments, etc. This plan should be prepared using spatial data. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed development, but after consideration of spatial data. These drawings shall be prepared by a team that is headed up by a licensed professional engineer or licensed architect. After preparation, an appointment should be made with the Town office to have the plan reviewed. The concept plan should use the criteria established in:

- a. Appendix 1 - Road Design Planning Submittal Criteria and
- b. Appendix 2 - Storm Drainage and Erosion Control Planning Submittal Requirements
- c. Appendix 3 - Sewer and Water Design Criteria
- d. Appendix 4 - Modification to WPA
- e. Appendix 5 - Adoption of Codes
- f. Appendix 6 ERU/Equivalent Residential Units
- g. Manual of Standard Plans 2007 editions APWA

2. Preliminary Plans.

The Preliminary Application Package shall contain a submittal of the application in a form which complies with the Town of Hideout Policy. The Preliminary Plans shall be drawn to a scale not smaller than one inch equals one hundred feet (1" = 100'), and shall show the following:

- a. Project name and address;
- b. North point, scale, date;

- c. A copy of the Record of Survey filed with the Town of Hideout Surveyor's office of the proposed boundary of the overall development and/or phase. In the event that the development has multiple phases, the proposed plat shall show the recorded file number of the Record of Survey and/or paper copy of the survey;
- d. A copy of the closure sheet which shall show the following:
 - i. The courses and distance of the proposed development/subdivision boundary and the error of closure;
 - ii. The area of each lot in square feet and acres.
- e. All open spaces and roadways
- f. Names, addresses, and telephone numbers of developer, engineer, and current and prospective owners;
- g. Nearest section corner tie, township(s) and range(s);
- h. Acreage, property dimensions, project perimeter;
- i. All proposed phases of the development, numbered and defined, with approximate timetable for development;
- j. Location of entire development in relation to surrounding neighborhoods and developments (include names of adjacent subdivisions and developments, adjacent property owners' names and addresses, and adjacent land uses and buildings);
- k. Existing topography with a contour interval of two (2) feet;
- l. Landscaping Concept plans illustrating cut and fill limits and limits of disturbance and landscaping plans including topographic lines, and evidencing conformance with the Hideout Water Quality Plan;
- m. Existing and proposed lot lines, easements, walkways, streets and rights-of-way (public and private), including widths, names, and numbers, on subject and surrounding areas; proposed dedications of public use areas; existing and proposed curb, gutter, and sidewalk. Sidewalks may not be required in all residential areas, but should be noted on the plans if proposed by the developer or if required by the Town of Hideout after initial review.
- n. Existing waterways (including irrigation), significant vegetation, and natural features of the land;
- o. Sensitive lands in the proposed development shall be identified on a plan prepared and stamped by a licensed geotechnical engineer or licensed geologist;
- p. Soils testing and geotechnical analysis as required by the Town of Hideout;
- q. Existing and proposed infrastructure including all fire hydrants, water and sewer lines, storm sewer system, and all utilities, including but not limited to electricity, natural gas, telephone, cable television;
- r. Proposed layout of all public and private streets, if any, including profiles (same scale as site plan) and cross-sections (same as Town standards, at an interval of one hundred (100) feet (or as determined by the Hideout Planner);

- s. Location and conceptual elevation drawings of existing and proposed buildings, signs, dumpster and utility enclosures, fences and other structures;
- t. Drainage plans illustrating that the development as planned does not impose adverse impacts to the drainage system or increase the sediment contribution to receiving waters. The Drainage Plan will illustrate methods of controlling runoff, directing flow and detaining or retaining water. Methods in preparing the necessary items to be contained in the Drainage Plan are described in the Hideout Water Quality Plan. The Drainage Plan shall include the following:
 - iii. Site Description;
 - iv. Development Plan;
 - v. Drainage Assessment; and
 - vi. Storm Water Pollution Prevention Plan.
- u. Unit configuration footprints and typical architectural elevations;
- v. Tabulation of projected ERUs, as described in the Plan;
- w. Any additional information which the Hideout Legislative Body may reasonably require in a specific instance. Where a developer owns or controls more land than he or she wishes to develop immediately, the Town of Hideout may require that a preliminary plan of the whole area be submitted, in which case the developer shall indicate the portion to be developed immediately and the portion to be held for future development.
- x. Preliminary Plan shall incorporate the criteria and requirements of the following:
 - vii. Appendix 1 - Road Design Planning Submittal Criteria and
 - viii. Appendix 2 - Storm Drainage and Erosion Control Planning Submittal Requirements
 - ix. Appendix 3 - Sewer and Water Design Criteria
 - x. Appendix 4 - Modification to WPA
 - xi. Appendix 5 - Adoption of Codes
 - xii. Appendix 6 - ERU/Equivalent Residential Units
 - xiii. Manual of Standard Plans 2007 editions APWA
 - xiv. Manual of Standard Specifications 2007 editions APWA
- y. The following documents which shall be prepared in accordance with applicable standards, and shall be submitted in accordance with the requirements of this Code, or any amendment thereto, with the required application fees. These documents shall be a draft copy of each document, which shall be reviewed and the final copies will be submitted with the final documentation when application is made for Final Approval.
 - a. Draft copy of Articles of Incorporation and Bylaws of the Property Owners Association;
 - b. Draft copy of Declaration of covenants, conditions, restrictions and management policies;
 - c. A will-serve letter from any Special Service District and/or other appropriate agency, indicating the availability of water, water service,

- sewer service, extended fire, extended police, schools, garbage collection and disposal, roads maintenance, trails maintenance, open space management, storm water detention, telephone service, electric service, natural gas, and other municipal type services;
- d. A form of certification for each of the following (these are proposed certifications of what is intended to be placed on the plat, a sample of which may be obtained from the Planning office):
 - i. Owner's dedications;
 - ii. Surveyor's certificate of accuracy of survey;
 - iii. Surveyor's approval;
 - iv. Hideout Legislative Body approval.

 - z. Preliminary Procedures
 - a. Submit application along with required fees and 5 copies of all required plans, reports and required documents.
 - b. Public Notice as required by the Town of Hideout Standards.
 - c. Hearing before the Planning Commission: The Public hearing before the Planning Commission will be held, and comments requested from the public at that time. If, after such hearing and at such time that the Planning Commission determines that a complete application has been provided it will forward the application along with its recommendations to the Hideout Legislative Body.
 - d. The matter will be placed on the next available Hideout Legislative Body agenda.
 - e. Public Notice of the Hideout Legislative Body hearing shall be given as required by the Hideout Standards for Public Notice.
 - f. Hearing before the Hideout Legislative Body: The hearing before the Hideout Legislative Body will be held, and comments requested from the public at that time. If, after such hearing the Hideout Legislative Body approves the project, the project may then proceed to apply for Final Approval, provided however if any conditions are set forth by the Hideout Legislative Body, all such conditions must be met prior to application for Final Approval unless otherwise required by the Hideout Legislative Body.

 - aa. Final Plans. The Final Plans must first evidence how the Final Plans conform to the Preliminary Plans and any conditions for Preliminary Approval and such plans must include but not limited to the following:
 - a. Submit application along with required fees and 5 copies of all required plans, reports and required documents;
 - b. Project name and address;
 - c. North point, scale (not smaller than 1" = 100'), date;
 - d. Development phase number, if a phased project;
 - e. Names, addresses, and telephone numbers of developer, engineer, and current owners;
 - f. Nearest section corner tie, township(s), and range(s);

- g. Lot lines, dimensions and area; adjacent lots and phases;
 - h. Existing and proposed easements, walkways, streets, and rights-of-way (public and private), and trails, including widths, names, and numbers; proposed dedications of public use areas; existing and proposed curb, gutter and sidewalk (public and private);
 - i. Existing waterways (including irrigation and piping);
 - j. Topography (contours at 2-foot intervals) and site drainage plan which illustrate existing and proposed conditions;
 - k. Existing vegetation to remain on development and natural features of the land;
 - l. Soils testing and analysis. A letter of purpose will be prepared, and submitted by a licensed geotechnical engineer that shall consider the findings of the sensitive lands study along with the project engineering, that will determine they type frequency and nature of the geotechnical investigation and subsequent report. The purpose letter will also state what minimum requirements, with respect to geotechnical studies, will be imposed on the subdivided land prior to the issuing of building permits.
 - m. UDOT approval for access off state roads if applicable; approval as required of other state and federal agencies;
 - n. Final grading plans illustrating cut and fill limits and limits of disturbance;
 - o. Temporary construction erosion control plan;
 - p. Final drainage plan illustrating methods of controlling runoff, directing water flow, and detention / retention areas;
 - q. Existing and proposed utilities including, fire hydrants, water and sewer lines, and storm sewer system; including plan and profile.
 - r. Location and elevation drawings of existing and proposed buildings, signs, dumpster and utility enclosures, fences and other structures;
 - s. Landscaping plan;
 - t. Parking, access, and loading plan when applicable;
 - u. Lighting plan, including dark sky initiative;
 - v. Architectural concept plans;
 - w. Tabulation of ERUs, as defined by the Plan
- bb. Final Plan shall incorporate the criteria and requirements of the following:
 - a. Appendix 1 - Road Design Planning Submittal Criteria and
 - b. Appendix 2 - Storm Drainage and Erosion Control Planning Submittal Requirements
 - c. Appendix 3 - Sewer and Water Design Criteria
 - d. Appendix 4 - Modification to WPA
 - e. Appendix 5 - Adoption of Codes
 - f. Appendix 6 - ERU/Equivalent Residential Units
 - g. Manual of Standard Plans 2007 editions APWA
 - h. Manuel of Standard Specifications 2007 editions APWA
 - cc. Final Documentation. The following official documents prepared in a manner that will fully present information:

- a. Articles of Incorporation and Bylaws of the Association;
- b. Declaration of covenants, conditions, restrictions, and management policies;
- c. An information brochure (prepared in accordance with applicable standards) for use in the sales program to inform all home buyers in simple terms about the Homeowners Association and the rights and obligations of lot owners;
- d. A final form of certification for each of the following (these are the certifications intended to be placed on the plat):
 - i. Owner' s dedications;
 - ii. Surveyors certificate of accuracy of survey;
 - iii. Surveyor' s approval;
 - iv. Hideout Legislative Body approval;
 - v. Notary Public's acknowledgement
- e. The Design Review Guidelines governing building design within n the development
- f. Geotechnical Studies required prior to the issuing of a building permit within the development

- dd. Procedures for Final.
 - g. Submit application along with required fees and 5 copies of all required plans, reports and required documents
 - h. Public Notice as required by the Town of Hideout Standards.
 - i. Hearing before the Planning Commission: The Public hearing before the Planning Commission will be held, and comments requested from the public at that time. If, after such hearing and at such time that the Planning Commission determines that a complete application has been provided it will forward the application along with it's recommendations to the Hideout Legislative Body.
 - j. The matter will be placed on the next available Hideout Legislative Body agenda.
 - k. Public Notice of the Hideout Legislative Body hearing shall be given as required by the Hideout Standards for Public Notice.
 - l. Hearing before the Hideout Legislative Body: The hearing before the Hideout Legislative Body will be held, and comments requested from the public at that time. After such hearing the Hideout Legislative Body will vote to either approve the projects without conditions, approve the project with conditions or to not approve the project.

- ee. Final Plat Recordation. After gaining final approval a final plat shall be prepared on a reproducible Mylar drawn in accordance with the Town of Hideout standards at a scale not smaller than one inch equals one hundred feet (1" = 100'), and shall show the following:
 - m. Boundaries of the development and location of all required survey monuments;
 - n. Location of all lot lines;

- o. Location and extent of all street and other parcels of land to be dedicated to the public and to be retained in private ownership;
- p. Location and extent of all easements; and
- q. The certifications previously proposed and approved as part of the Final Documentation provided.

- ff. Condominium Plats. The processing of Plats for condominium developments shall follow the procedures set forth in this chapter.

- r. A registered architect or engineer shall certify the Final Condominium Plat.
- s. Conversion of Conventional Apartment Developments. Preliminary Plats shall show the following, in addition to all information required by the department checklist for site plans:
- t. Firewall construction, as required by the International Fire Code, the adopted Building Code;
- u. Additional parking, if required;
- v. Additional open space, if required;
- w. Location of individual utility lines and meters, if required; and
- x. Additional exits.
- y. Final Plats shall show:
 - i. All buildings;
 - ii. Private drives and parking areas;
 - iii. Required assessments;
 - iv. Designation of commonly owned property;
 - v. Necessary dedication statement;
 - vi. Statement concerning the formation of a homeowners' association for the maintenance of the commonly owned property; and
 - vii. Necessary certifications and approvals.
- z. New developments:
 - i. Preliminary Plat shall show all of the information required by the Planning Department's site plan checklist;
 - ii. Final Plats shall show all of the information required in this chapter;
 - iii. Building permits shall be issued in accordance with Final approved Plats; and
 - iv. Final Plats to be approved by the Hideout Legislative Body;

- gg. No Sale of Lots Until Final Approval
- x. Lot(s), in a development that have not received final approval according to the requirements contained in this Title, may not be sold, advertised for sale, or offered for sale in any manner until after the plat has been recorded.

- hh. Bonds Guaranteeing Construction of Improvements

- ii. Definitions.
 - a. "Performance Bond" is an instrument, in a form approved by Hideout, with a sum not fixed as a penalty binding the developer to Hideout, to complete certain actions according to the standards in this code and, and any other applicable regulation or condition imposed by Hideout as a condition of approval, conditioned however, that the payment of the penalty may be avoided by the performance by the developer of the acts agreed to in the bond documents. The performance bond must include protection for Hideout against the developer's failure to perform all of the actions specified by the Legislative Body. The bond may consist of one of the following: cash deposited with Hideout; an escrow fund; an irrevocable letter of credit; documentation in a form acceptable to Hideout that demonstrates that the value of the completed improvements of the development are in excess of 200 percent of the proposed new improvements or collateral in the form of fully improved lots within the development that have a combined value of at least twice the value of the proposed improvements; or a surety bond.
 - b. "Warranty Bond" is an instrument, approved by Hideout, with a sum fixed guaranteeing the quality and/or conformance of completed and accepted improvements or other promised performance according to the standards in this code, and any other applicable regulation or condition imposed by the Town as a condition of approval. The warranty bond must provide that in the event the completed and accepted improvements or other promised performance covered by the bond fail, or are found to be less than the accepted standard during the term of the bond, that Hide out has the right to require repair and or replacement, and in the event of failure by the developer to adequately respond, Hideout shall have the right to recover against the warranty bond and repair or replace the covered improvements or other promised performance.
- 14. Performance Bonding Required. A performance bond shall be posted with Hideout in a principal amount of one hundred ten (110) percent of the total estimated cost of any improvement or other performance required by or promised to Hideout Canyon as part of the development. Such bonds shall be required prior to recording Plats to guarantee the completion of any and all approved improvements within or required by the platted area. The bond may also be required prior to commencement of any approved improvements if the legislative body after reviewing the projects financial information and funding information determines that is required. The estimated cost shall be based upon the estimate of Hideout's Engineer who shall take in to account some or all of the following factors when making his estimate:
 - a. The developer's engineering estimate;
 - b. The estimate of any reviewing engineer;
 - c. Any other relevant information.
- 15. Failure of Performance, Extension of Time. In the event that any performance covered by a performance bond required is not completed within the time period

allowed for under the performance bond, the developer may petition Hideout for an extension of time in which to complete the required performance. A one-year extension of time may be granted by Hideout upon application by the developer, upon a showing of good cause and diligent effort by the developer to complete the performance as provided in this chapter.

16. **Warranty Bonding.** Upon completion of the required improvements or other performance subject to a performance bond, the developer shall petition Hideout for release of the performance bonds. The developer, prior to release of the performance bond, shall obtain a warranty bond warranting the required improvements or other promised performance for a minimum of two (2) years following the date of acceptance of the improvements, by Hideout. The Warranty Bond shall be in the amount of fifty (50) percent of the actual cost of the required improvement or other promised performance. Hideout may waive the warranty bond for those improvements that remain the property of or are part of the development's maintained improvements, if at the discretion of Hideout the development's HOA accepts the improvements and it can satisfactorily demonstrate that it is financial responsible to assume this responsibility. In the event the required improvement or other promised performance is not completed in a satisfactory manner, Hideout may, at its discretion, for good cause, require an extended warranty of up to five (5) years. The warranty bond provided for herein shall be required in order to insure that the improvements are installed pursuant to the approved plans, are structurally sound, and that no further replacements or repairs are required.

17. **Amount of Bonds.**

- a. As work is completed, the developer may replace his performance bond with bonds from the Contractor who performed the work. The Contractor's bonds shall name Hideout as a beneficiary. The Developer's performance bond may be released in an amount equal to the approved Contractor's bond. The legislative body may approve partial releases of the Performance Bond prior to final release. A two hundred dollar (\$200.00) fee will be assessed for each release to cover any administrative costs. The releases shall not exceed the Contractor's bond and shall not exceed the percentage of work completed and, at no time prior to final acceptance of the improvements by the Town may the total amount of bond be allowed to be reduced lower than one hundred ten percent (110%) of the value of Hideout's engineer's estimate of the uncompleted improvement(s) or other promised performance.
- b. Warranty bonds required herein must have a face amount of at least fifty (50) percent of the value of Hideout engineer's current estimate of the improvements to be warranted. Developer may not draw against the warranty bond for any purpose other than the replacement or repair of improvements as required and approved by Hideout. At no time prior to expiration of the warranty period warranty bond amount be allowed to be

reduced by approved draws lower than twenty five (25) percent of the value of the original value of the warranty.

18. Ridgeline/Views

- a. In order to protect the valuable views of the ridgelines of Hideout, buildings shall not protrude above primary ridgelines, and that an applicant's consideration of views will be consideration during the approval process.

19. Property Access Requirements

- a. Must Prove Right to Access. Applications for new developments must show proof that they have secured legal access to their property when their property does not abut to a public road in order to be considered for approval.

CHAPTER 7 ZONING CLASSIFICATION, DEVELOPMENT REGULATIONS AND APPENDIXES

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- 11.07.147: NEIGHBORHOOD COMMERCIAL (NC)
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- 11.07.149: OPEN SPACE (OP)
- 11.07.150: RESORT FEATURE (RF)
- 11.07.151: MAXIMUM DENSITY
- 11.07.152: PERMITTED USE CATEGORIES
- 11.07.153: APPLICATION PROCESS

11.07.101: MOUNTAIN ZONE

11.07.102: PURPOSE:

The (M) Mountain Zone is established for development Hideout that may or may not have services readily available. Development should be in harmony with mountain settings and adverse impacts shall be mitigated. The specific intent in establishing the Mountain Zone is for the following purposes:

1. Provide an appropriate location within the Hideout for the development of mountain residential dwellings.
2. Prevent excessive scattering of mountain dwellings, accompanied by excessively long streets, and infrastructure.
3. Facilitate payment for services rendered by the municipality for streets, fire, police, health, sanitation and other services.
4. Prevent soil erosion generated from excessive streets and soil displacement.
5. Protect the vegetation and aesthetic characteristics of the Hideout canyons and mountains.
6. Encourage the protection of wildlife, plant life and ground water.
7. Protect the health, safety and welfare of the residents of the Town of Hideout by only allowing development that will have appropriate access to and from the development and provide appropriate fire and emergency access.

11.07.103: PERMITTED PRINCIPAL USES:

Those principal uses or categories of uses as listed herein, and no others, are allowed as a permitted use in the (M) Mountain Zone.

Permitted principal uses in the (M) Mountain Zone:

- a. Single family dwellings (detached)

- b. Highway and street right-of-way
- c. Underground gas pipeline right-of-way
- d. Underground water pipeline right-of-way
- e. Water pressure control stations and pumping plants
- f. Underground sewage pipeline right-of-way
- g. Underground power and communication lines.

11.07.104: PERMITTED ACCESSORY USES:

Accessory uses and structures are permitted in the (M) Mountain Zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure.

Accessory buildings such as garages, gardening sheds, recreation rooms, and similar structures, which are customarily used in conjunction with and are incidental to a principal use or structure.

Storage of materials used for the construction of a building including a temporary contractor' s office and/or tool shed, provided that such uses are on the building site, and provided further, that such use shall be for only the period of construction and thirty (30) days thereafter. Approval is subject to a bond and site plan approval from planning staff.

11.07.105: CONDITIONAL USES:

The following shows the uses and structures that are permitted in the (M) Mountain Zone only after a conditional use permit has been approved, and subject to the terms and conditions thereof.

Conditional Uses in the (M) Mountain Zone:

- a. Single family (attached) as part of a Planned Performance Development
- b. Single Family clustering as part of a Planned Performance Development
- c. Golf Courses as part of a Planned Performance Development
- d. Green Houses
- e. Hotels / Lodges as part of a Planned Performance Development, equestrian facilities
- f. Telephone Relay Towers, Microwave or Other
- g. Electric Utility
- h. Gas Pressure Control Stations
- i. Water Treatment Plant
- j. Water storage
- k. Water storage covered
- l. Swimming pools and incidental bath houses
- m. Underground pipeline right-of way and pressure control stations
- n. Electrical transmission lines

11.07.106: LOT AREA:

Unless approved as part of a Planned Performance Development, the minimum lot size shall be one 1 acre per dwelling unit. If approved as part of a Planned Performance Development, lot sizes and density shall be in accordance with the approval thereof. Any development with a proposed density greater than one (1) unit per one acre shall be submitted as a Planned Performance Development.

11.07.107: LOT WIDTH:

Each lot or parcel of land in the (M) Mountain Zone shall have a lot width of at least three hundred (300) feet at the required setback unless approved as part of a Planned Performance Development.

11.07.108: LOT FRONTAGE:

Each lot or parcel of land in the (M) Mountain Zone shall abut a Hideout or road built to Hideout standards for a minimum distance of three hundred (300) feet. Corner lots shall have a minimum of three hundred (300) feet on both roads. Deviation of this standard may be allowed, if the proposed development is a Planned Performance Development.

11.07.109: PRIOR CREATED LOTS:

Lots or parcels of land which were legally created prior to the enactment of the requirements of the (M) Mountain Zone shall not be denied a building permit solely for reasons of nonconformance with the parcel requirements of this chapter.

11.07.110: LOT AREA PER DWELLING:

Not more than one (1) single-family dwelling may be placed upon a lot or parcel of land in the (M) Mountain Zone unless approved as a Planned Performance Development. If a conditional use is obtained, an accessory residential unit may be built within the lot.

11.07.111: SETBACK REQUIREMENTS:

The setback requirements for this zone shall be as follows:

1. Front Setback. The front setbacks for dwellings shall be a minimum of sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater. If the property is located on a State or Federal Highway, the setbacks shall be a minimum of one hundred and fifty (150) feet

from the right-of way. For buildings abutting upon a Hideout street that is designated as a major collector road the setback shall be eighty-five (85) feet from the center line of any street, or fifty (50) feet from the right-of-way, whichever is greater.

2. Corner Lots. For corner lots, the side setback on the street side shall be the same setback as that required for the front.
3. Rear Setbacks. All permitted structures shall be set back from the rear property line a minimum of thirty (30) feet.
4. Planned Performance Developments. Setbacks shall be approved by the Legislative body on a case-by-case basis during the plan approval process.

11.07.112: BUILDING HEIGHT:

Height of all dwellings, accessory buildings, and/or structures shall not exceed thirty five (35) feet above natural grade. For purposes of identifying the natural ground surface, small localized depressions or mounds should be excluded from the surface data. To determine the maximum building height the natural grade surface shall be raised 35'. This shall be called the Height Restriction surface. No elements of the house shall project above the Height Restriction Surface.

Exceptions: Chimneys and vents that are required to extend above the roof line by code may penetrate the Height Restriction Surface

11.07.113: DISTANCE BETWEEN BUILDINGS:

The distance between any accessory building and the main building shall be twenty (20) feet.

11.07.114: SITE PLAN PROVISIONS:

To obtain a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted showing existing conditions, structures, topography or any sensitive lands located on the lot. Dwellings shall be designed and constructed in accordance with recommendations from a licensed Geotechnical engineer such recommendations shall be stamped and submitted to the Building department with the building permit application

11.07.115: PERMISSIBLE LOT COVERAGE:

For lots or parcels one acre in size or greater, the LOD for an individual single family use and any accessory structure shall not exceed twelve thousand (12,000) square feet.

11.07.116: OFF-STREET PARKING REQUIRED:

There shall be provided at the time of the establishment of any use or at the time any main building is enlarged or constructed minimum off-street parking, permanently maintained, with adequate provisions for ingress or egress by standard sized automobiles.

11.07.117: RESIDENTIAL REQUIREMENTS:

1. There shall be provided in a private garage, sufficient space for the parking of two (2) automobiles for each unit
2. No portion of a required front yard, other than driveways leading to a garage or properly located parking area, shall be paved or improved to encourage or make possible the parking of vehicles thereon. Parking of vehicles shall not be allowed except in such designated improved parking areas, and shall not be permitted in areas intended to be landscaped.
3. Access to parking spaces and private garages used in conjunction with dwellings of two (2) or less units shall be limited as follows:
 - a. Driveways shall be located a minimum of forty (40) feet from any street intersection;
 - b. No driveway approach shall be located closer than ten (10) feet from a side lot line, excepting an approved shared driveway with the adjoining property. No driveway may interfere with any recorded easement;
 - c. If approved by the legislative body an approved shared driveway on private property may be constructed up to the side or rear property line so long as the driveway does not interfere with a recorded easement or the surface drainage of the lot or adjacent lots where drainage easements are provided. The drainage from the driveway must be kept within the property.
4. Driveways shall be paved with a hard surfaced material such as concrete, asphalt, brick, or stone pavers face.
5. Lots shall be limited to one driveway approach per frontage except where a second driveway approach is specifically approved by the Planning Department to increase safety. Lots that are double-fronted with one (1) frontage on a major collector street, or corner lots with frontage on a major collector street, shall not be permitted to have a drive approach on the major collector street. (7)
Driveways shall be a minimum of sixteen (16) feet wide unless International Fire Codes requires a greater width and a maximum of twenty six (26) feet wide.

11.07.118: MINIMUM OPEN SPACE REQUIREMENTS:

The (M) Mountain Zone shall have a minimum amount of Twenty (20) percent open space.

Intended Uses for Open Space.

1. Open space should preserve environmentally sensitive areas, including slopes, unstable soils, geologic hazard areas, wetlands, desirable vegetation areas,

- wildlife habitat, view corridors, flood plains, culinary water sources, aquifer recharge areas, streams, seeps, springs and drainage corridors, ridge-lines, or other environmentally sensitive areas or important features.
2. Roadways, parking, storage areas, residential, and any land within a building lot, whether single family or multi-family, and any area within twenty (20) feet of any building shall be excluded in calculating the required area for open space.
 3. Open Space to Remain in Perpetuity. As assurance that the designated open space will remain open and unobstructed from the ground upward, the developers shall execute an open space preservation agreement with Hideout, which agreement shall run with the land and shall be binding upon the developer, heirs, successors, and assigns. The open space agreement shall preclude building on or development of the designated open space areas throughout the life of the development, unless approved by the Legislative Body. The land shall either be dedicated to Hideout for a public use, if acceptable to Hideout, or to the homeowners association to hold as dedicated open space. If deemed appropriate by the Planning Department, for smaller subdivisions, the open space may be contained within the lots owned by separate ownership, but must be deed restricted to prevent building of any structures, including fences thereon.

11.07.119: OWNERSHIP:

Open space shall remain under the ownership of the homeowners association. In the event that Hideout accepts dedication of the open space, Hideout shall then assume the responsibility of maintaining the property.

11.07.120: CONSTRUCTION AND MAINTENANCE:

The developer shall construct and landscape all areas and build all facilities, as per the approved plan. The Homeowners Association shall maintain all common areas and facilities. Hideout may place a lien upon each property contained within the development for the costs of such maintenance. Such lien may be foreclosed in the same fashion as a lien placed for property taxes.

11.07.121: PLANNED PERFORMANCE DEVELOPMENT

11.07.122: PURPOSE:

The purpose of the Planned Performance Developments Chapter is to encourage imaginative and efficient utilization of land, to develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces and clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within Hideout to encourage the following:

1. Allow creative use of the land and encourage the preservation of permanent open space and sensitive areas;
2. Permit developers to vary density, architectural styles and building forms on a project-by-project basis, rather than on the basis of traditional zoning concepts, in a manner that will permit developers to create recreational/resort housing styles and amenities, in response to changing markets;
3. Permit developers to situate the various features of their developments in harmony with the natural features of the land more than would otherwise be possible under a lot-by-lot development;
4. Preserve to the greatest extent possible the existing landscape features, watershed, animal habitat and natural amenities and to utilize such features in a harmonious and aesthetically pleasing manner;

11.07.123: SCOPE:

Planned Performance Developments are applicable to the (M) Mountain Zone

11.07.124: PERMITTED USES:

Uses permitted in the Planned Performance Development shall be limited to those uses listed by the provision of the underlying zone, except as follows:

1. Permitted Accessory Uses in common areas or buildings may be used only by the residents of the development, and shall not at any time become commercial for the use of the general public, except for required trails which shall be open to the public.
2. Single family attached
3. Single family clustering

11.07.125: CONDITIONAL USES:

Accessory uses shall include recreational facilities and structures, day care centers, personal services.

11.07.126: DESIGN:

The design of the development shall be guided by the Physical Constraints Analysis, the suitability of soils, slopes, geologic hazards, traffic safety and travel efficiency, enhancement of aesthetic and scenic values, convenience of vehicular access to the development and to the dwellings within the development, un-crowded appearance around buildings, quality of landscaping and other amenities, the preservation of bodies of water, and other significant features. The development should incorporate a compact clustered lot layout that minimizes large amounts of infrastructure.

11.07.127: COMPLIANCE WITH THIS TITLE:

The development will comply with the regulations set forth in this Title, including, but not limited to landscaping, preservation of sensitive lands, lighting, signs, and all other pertinent sections contained therein.

11.07.128: MINIMUM OPEN SPACE:

At least twenty (20) percent of the gross land area contained within the development will be preserved for dedicated open space and not part of the platted lots. A density bonus may be provided to compensate for additional open space, as outlined in the Performance Chart attached hereto.

11.07.129: CONTENT OF DEVELOPMENT:

The development may mix the uses contained within the development between single-family lots and attached housing.

11.07.130: DENSITY:

Density bonus may be awarded by the legislative body based on the criteria established by the Performance Chart. The maximum density bonus will be 150% of the base density. The cumulative ERU total of all phases within a development can not exceed the Maximum density approved by the Legislative body.

Density of individual phases or portions of phases with in a Planned Performance development can not exceed a maximum of 5 ERU's per acre.

11.07.131: PERFORMANCE CHART:

Amenity	
Base Density	1 ERU per acre
20 % open space preserved	required
Preserves sensitive areas in Open Space	required
Extra unusable Open Space	
Extra usable Open Space for public use	
Improving public open space with public amenities	
Private recreational amenities for development	
Positive Fiscal Analysis	
Use of environmental devices or enhancements	
Design consistent with neighborhood	
Mixture of Housing Types	
Quality and Quantity of landscaping	
Good clustered design	
Good architectural design	
Good streetscape design	
Total Maximum Increase	150%

11.07.132: SETBACK:

The setback requirements for this zone shall be determined by the legislative body as part of the Preliminary plan approval.

11.07.133: RESORT SPECIALLY PLANNED AREA (RSPA)

11.07.134: VISION AND PURPOSE

The Vision and Purpose for the RSPA is as follows:

1. To create a nationally recognized resort.
2. To Preserve and Enhance the Beauty and Environmental Integrity of the RSPA.
3. To Provide Amenities Supporting Year Round Activities including:
 - a. Density Pods, designed in a manner to support recreational activities of the area;
 - b. Hotels;
 - c. Golf courses and golf club;
 - d. Fitness and wellness centers,
 - e. Meeting facilities;
 - f. Amphitheatre;
 - g. Trail system
 - h. The potential for enhanced lakeside recreation;
 - i. High-end retail, dining and entertainment; transit and people-moving systems to access all major Density Pods and Resort Features and amenities;
 - j. Adequate and accessible parking;
 - k. A wide range of well segmented, upscale real estate products; and
 - l. Immediate access to local recreational activities

11.07.135: DESIGN OBJECTIVES:

This title has been created to guide the development of the RSPA, to achieve the "Vision," and to encourage a consistent and unified high-level quality of land planning, architecture and public spaces.

11.07.136: LONG DEVELOPMENT PERIODS:

This Title contemplate that the development of the RSPA, because of its size, design, quality and consideration of market factors, will occur in multiple phases and will take several years to complete. Market circumstances are likely to change many times over the life of the development. Consequently, there are certain flexibilities built into the approval and development process to allow developers to be responsive to the changing expectations and requirements of the buyers and visitors.

1. Specific Objectives:
 - a. Encourage responsible land use practices based on central and compact growth centers rather than scattered development;

- b. Respect the natural topography of the land and existing vegetation;
- c. Respect the architectural heritage of the region and the quality design precedents set by Hideout Canyon;
- d. Create inspired themes, complete with pedestrian oriented streets and public spaces, humanly scaled buildings, appropriate landscaping, and rustic detailing;
- e. Create a long term operationally sound resort that encourages walking;
- f. Foster the development of year-round amenities and activities that are complementary of each other and consistent with the "Vision;"
- g. Design the RSPA to meet the transportation and parking needs of the entire community, both public and private, properly address snow removal, and provide required services;
- h. Where possible, create a community that is "wired," where visitors and residents will have access to high bandwidth services to experience voice, data and video feeds to every room of every hotel, multi-unit and single family residence in the area.

11.07.137: DENSITY GUIDELINES AND PROCEDURES:

The property contained with-in the RSPA shall be granted 1.5 ERU's per acre as its base density. The development will establish its base density ERU totals (Maximum ERU's for the property included in the RSPA) by multiplying its total acreage contained in the RSPA by 1.5. The development will provide a table with each application that clearly shows its base density total, the total number of ERU's used in each previous phase, the total ERU's of the proposed phase and net ERU's remaining.

This Title creates RSPA density pods (as defined below) that will establish the maximum density that a particular area can be designed for. Resort specially Planned Area.

1. In the event of any inconsistency between the terms of the Other Titles in the Hideout Code, Ordinances and Regulations and this Title, the terms and provisions of this Title shall control.

11.07.138: BUILDING CODES:

The Implementation Guidelines are to be interpreted in a manner which is consistent with the Adopted building regulations and codes of Hideout

11.07.139: MODIFICATION OF THIS TITLE:

These guidelines and standards are intended to guide development within the RSPA throughout the long-term development of the property contained therein. It is crucial to

the long-term success of the RSPA that modifications to this Title are permitted in order to respond to changes in circumstances and market conditions that will inevitably occur over time. The developer may submit changes to this Title for review and approval by the legislative body.

1. The boundaries of the RSPA Area may be modified from time to time by submission of a request for modification by the owner of the property to be added or deleted, and with the approval of a majority of the other owners of property within the RSPA (based on number of approved ERU's for each parcel) and approval of the Legislative Body

11.07.140: ERU CALCULATIONS:

Calculations of ERUs will be made pursuant to the procedures described and the ERU/Equivalent Residential Units found in Appendix 6

11.07.141: DEFINITIONS PERTAINING TO THE RSPA:

For purposes of the RSPA, the following definitions shall apply:

1. Setbacks means the distance from the right-of-way line or the property lines before any structure can be built. Chimneys or protrusions in a building may be located within the setback to the edge of the building eaves.
2. Story is defined: residential floors should range from 8-12 feet, commercial use floors in Resort Villages should range from 12-18 feet, and in hotels where meeting space is found it can range up to 30 feet.
3. Density Pods means areas of development. Each Density Pod has associated with it a specified number of Target Equivalent Residential Units (TERU's). Hideout, and the participating landowners understand that these Density Pods are subject to change in size and location as the RSPA master plan actually develops from the concept stage to actual buildable site.
4. FSR (Floor Space Ratio) means the ratio or percentage computed by the floor surface area (or floor plate) of the main floor of a building, as the numerator, and the size of the building parcel, as the denominator.
5. Gross Density means the total Units in a Property, Density Pod or Zone, divided by the acreage in that Density Pod or Zone.
6. Net Density of a Property, Density Pod or Zone is a measure of density determined by computing the total number of Units of the Property, Density Pod or Zone and dividing it by the total acreage in that Property, Density Pod or Zone less the area of any public rights-of-ways or private roads.
7. Resort Village means a center or hub for the RSPA. Resort Villages, and the reason they are important to the success of the RSPA, are described further in Section 3.0. In order to qualify as a Resort Village, the area or Zone must have the attributes listed below. A Resort Village can be located in more than one property:

- a. A minimum of four of the following planned uses:
 - i. LAND USE PLAN
 1. Condominiums;
 2. Hotels;
 3. Timeshares or other shared-ownership products;
 4. Private residence clubs;
 5. Town homes;
 6. Single-family homes;
 7. Seasonal Community Housing or other Affordable Housing
 8. Meeting facilities.
 - ii. Other required components;
 1. Retail, dining and entertainment facilities;
 2. A minimum of 150 Units (not ERU's) in the Resort Village Zone;

11.07.142: RESIDENTIAL SINGLE FAMILY (RSF):

Residential Single Family (RSF) is a Classification of a single family housing element in the land use plan is for larger lot development and shall contain detached housing. Housing in the RSF Zone should respond to the topography and the amenities located near the site. Larger lots are typically located on steeper slopes to allow any necessary grading to be integrated back into land form.

1. Permitted Uses. Permitted uses within this RSF Zone include single family detached housing, recreational, trails, golf, and parks.
2. Density per Acre. Gross Density shall not exceed 6 Units per acre.
3. Building Heights. Building heights are limited to thirty five (35) feet or 2 ½ Stories, whichever is greater.
4. Setback. Front setbacks shall be taken from the back of curb or edge of road asphalt (if there is no curb). All other setbacks shall be taken from property lines. The side yard minimum setback shall be 10 feet, the rear yard minimum shall be 20 and front yard minimum setback shall be 20 feet. Larger houses should be located further from roads to avoid dominating the streetscape. and to provide room for sensitive grading transitions into existing slopes. Small units should typically be set closer to the front setback line to provide a more urban pedestrian environment.

11.07.143: RMD RESIDENTIAL MEDIUM DENSITY (RMD):

The RMD Classification is provided to allow for greater density near recreational facilities such as the golf course and near the Resort Villages.

1. Permitted Uses. Permitted uses within this Zone include residential attached, town homes, timeshares and other shared ownership facilities, condominiums,

- apartments, flats, seasonal employee housing, recreational, trails, parks and other Resort Features.
2. Density per Acre. The maximum Gross Density for the RMD Zone is 6 to 20 Units per acre.
 3. Building Height. Building heights are limited to forty two (42) feet or 3½ Stories, whichever is greater.
 4. Setback. Front setbacks shall be taken from the back of curb or edge of road asphalt if there is no curb. All other setbacks shall be taken from property lines. Minimum setback shall be 10 feet; the rear yard minimum shall be 20 feet and front yard minimum setback shall be 20 feet. Larger houses should be located further from roads to avoid dominating the streetscape and to provide room of sensitive grading transitions into existing slopes. Multi-unit structures should be set at the setback line to provide a more urban pedestrian environment.
 - 5.

11.07.144: HC- HOSPITALITY CASITA:

The HC Classification is provided to allow for small casitas or bungalows as an additional room type for a hotel, other lodging or timeshare or other shared use facility in the RSPA. The HC Classification is available only if it is designed as an additional product to such a facility.

1. Permitted Uses. Permitted uses within the HC Classification include hospitality and short-term rental, timeshare or other shared use facilities, recreational, hospitality support and Resort Features.
2. Density per Acre. The maximum Gross Density allowable for this Zone is 20 to 40 Units per acre.
3. Building Height. The maximum allowable building height is the greater of 25 feet or 2 stories.
4. Setbacks. Property line setbacks for the HC Classification are 15 feet for the rear yard and 12 feet for the front yard. There are no side yard setback requirements.
- 5.

11.07.145: RVMD – RESORT VILLAGE MEDIUM DENSITY:

Classification contemplates a mixed use Resort Village, as described in Section 2.3.2.11 and in Section 3.0, with a maximum six (6) Story height limit.

1. Permitted Uses. Permitted uses include convention facilities, hotels, condominium hotels, condominiums, town homes, timeshare and other shared ownership, office, retail, dining, service, community uses, affordable housing, single family residences, entertainment, kiosks and street vendors, equestrian facilities, service, storage, support and Resort Features
2. Density Per Acre. The maximum Net Density allowable for the RVMD Classification is a range from 6 to 70 Units per acre. Commercial uses will be limited to the amount of floor area on the street level Story and to a maximum of

- fifty percent (50%) of the second Story. Meeting or convention space shall not be deemed to be commercial space for purposes of this limitation.
3. Building Height. The maximum allowable building height is 6 Stories above ground.
 4. Setbacks. Not applicable.
 5. Density Exclusions. The following items will not be counted as a commercial use, within the meaning of the regulations of the Development Code, for purposes of calculating ERUs for hotels, condominium hotels, other lodging facilities, timeshare, other shared ownership facilities, convention or entertainment facilities, ski and ski support facilities, golf and golf support facilities and restaurants:
 - a. Back of house, support, storage, and service areas as a part of the above mentioned facilities;
 - b. Public space, lobby, restrooms and circulation areas as a part of the above mentioned facilities;
 - c. Stairwells and elevator shafts as a part of the above mentioned facilities;
 - d. Pools, fitness centers, spas and exercise facilities as a part of the above mentioned facilities;
 - e. Parking, Porte cochere and entry areas as a part of the above mentioned facilities;
 6. Meeting, conference, convention, function and pre-function areas as a part of or adjunct to the above mentioned facilities;
 7. Kitchens, warming kitchens, food storage and preparation areas as a part of the above mentioned facilities; and
 8. Outdoor seating areas for restaurants and banquet areas as the above mentioned facilities.

11.07.146: RVHD – RESORT VILLAGE HIGH DENSITY:

This Classification contemplates a mixed use Resort Village.

1. Permitted Uses. Permitted uses include convention facilities, hotels, condominium hotels, condominiums, town homes, timeshare and other shared ownership, office, retail, dining, service, community uses, affordable housing, single family residences, entertainment, kiosks and street vendors, equestrian facilities, service, storage, support and Resort Features.
2. Density per Acre. Maximum Net Density allowable is 6 to 80Units per acre. Commercial uses will be limited to the amount of floor area on the street level Story and to a maximum of fifty percent (50%) of the second Story. Meeting or convention space shall not be deemed to be commercial space for purposes of this limitation.
3. Building Height. The maximum allowable height shall be 8 Stories. Basement and below grade structures will not be counted as a Story.
4. Setbacks. Not applicable.
5. Density Exclusions. The following items will not be counted as a commercial use, within the meaning of the regulations of the Town of Hideout Land Use and

Development Code, for purposes of calculating ERUs for hotels, condominium hotels, other lodging facilities, timeshare, other shared ownership facilities, convention or entertainment facilities, ski and ski support facilities, golf and golf support facilities and restaurants:

- a. Back of house, support, storage, and service areas as a part of the above mentioned facilities;
- b. Public space, lobby, restrooms and circulation areas as a part of the above mentioned facilities;
- c. Stairwells and elevator shafts as a part of the above mentioned facilities; \
- d. Pools, fitness centers, spas and exercise facilities as a part of the above mentioned facilities;
- e. Parking, porte cochere and entry areas as a part of the above mentioned facilities; meeting, conference, convention, function and pre-function areas as a part of or adjunct to the above mentioned facilities;
- f. Kitchens, warming kitchens, food storage and preparation areas as a part of the above mentioned facilities; and Outdoor seating areas for restaurants and banquet areas as the above mentioned facilities.

11.07.147: NC – NEIGHBORHOOD COMMERCIAL:

1. Permitted Uses. Permitted uses include convenience stores, restaurants, neighborhood services, offices, parks and Resort Features (as defined in Section 1.07.03 herein).
2. Building Height. The maximum allowable height is 45 feet.
3. Setbacks. Property line setbacks for the NC Classification are 20 feet for the rear, 18 feet for the front and 10 feet for the side.
- 4.

11.07.148: CS – COMMUNITY SITE:

The CS Classification contemplates areas and facilities that are gathering places for residents and visitors.

1. Permitted Uses. Permitted uses within areas of the CS Classification include convention/conference centers, equestrian centers, amphitheatres, community centers, parks, trails, overlooks, and other gathering places as determined suitable by the Legislative Body.
2. Density. Not applicable.
3. Height. Not applicable.
4. Setbacks. Not applicable.

11.07.149: OS – OPEN SPACE:

The OS Classification has as objectives to preserve visual corridors, to provide recreational opportunities, and enhance the "open" feeling of the RSPA.

1. Permitted Uses. Permitted uses include ski areas, golf courses and ancillary uses, trails including equestrian/pedestrian/bicycle/cross-country uses, parks, overlooks, amphitheaters, developed and natural parks, ancillary park facilities, and natural terrain.
2. Density. Not applicable.
3. Height. Not applicable.
4. Setbacks. Not applicable.
5. Roof Slopes. Not applicable.
- 6.

11.07.150: RF – RESORT FEATURE:

A Resort Feature is a facility or area which serves as a major attraction. In other words, it provides activities or reasons for visitors to travel to the RSPA.

1. Permitted uses include, but are not limited to, cross country ski trails, golf, lake/water activities, tubing hills, convention facilities, amphitheatres, distinctive pedestrian walks or plazas, skating ponds or rinks, health or spa facilities, water sport areas, swimming pools, trail heads, rock climbing walls and hot springs.
- 2.

11.07.151: MAXIMUM DENSITY:

Maximum Density means the sum of the Target Densities of all of the Zones in a Property which is the Maximum Density or maximum ERU's allowable for such Property.

11.07.152: PERMITTED USE CATEGORIES:

Specific permitted uses within each category are indicated in sections 1.07.10 through 1.07.18 of this title

- RSF - Residential Single Family
- RMD - Residential Medium Density
- HC - Hospitality Casita
- RVMD- Resort Village Medium Density
- RVHD - Resort Village High Density
- NC - Neighborhood Commercial
- CS - Community Site
- OS - Open Space
- RF - Resort Feature

11.07.153: APPLICATION PROCESS:

The application process for the approval of phases within the RSPA shall be the same as that found in section 11.07.20 of the HDS except for the following:

In order to achieve the goals set by Hideout for the RSPA. The property owner(s) shall endeavor to develop an overall programming plan that identifies uses and proposed density pod locations throughout the planning area. Since this process is likely to be highly influenced by market forces it is anticipated that the programming plan will focus on resort attractions and amenities and not on the required infrastructure and that the plan will be subject to frequent changes. As portions of the plan are complete they may be submitted to Hideout for comment and approval. If approved the plan will then serve as the guiding design and marketing document for the resort.

Appendix 1

ROAD DESIGN PLANNING SUBMITTAL CRITERIA

X.1 REVIEW PROCESS

All subdivisions, re-subdivisions, Planned Unit Development or any other development or Re-development done within the jurisdiction of these CRITERIA shall be required to submit Traffic reports, plans, construction drawings, specifications and as constructed information in conformance to the requirements of these CRITERIA. It is fully anticipated that the road design components identified below will be included within the full submittal provided by the developer.

X.2 CONCEPTUAL LEVEL ROAD DESIGN PLAN

At the conceptual level the following general project information shall be provided to The Town for review and approval prior to the development of a Preliminary Plan:

1. General Location and Description of Project;
2. Township, range, section, 1/4 section, (subdivision, lot and block). ;
3. Existing roads. Sidewalks and trails in the proposed development and connecting to the proposed development;
4. Traffic and pedestrian Pattern analysis;
5. Traffic and pedestrian use analysis;
6. Road Design Criteria
7. Proposed road (including sidewalks and trails) concept and how it fits existing roads and traffic patterns, sidewalk and trails;
8. Impact of proposed development on traffic.
9. Discussions of road design problems, including overall area traffic flow, traffic calming, aesthesis, fit to the mountain terrain, snow removal, and minimization of disturbance, coordinating/accommodating utilities and consideration of anticipated structures that the roads will serve.
10. Discussion of the rationale for including or excluding sidewalks and the proposed design criteria relative to pedestrian travel.
11. Indication and discussion of proposed Geometric design criteria including:
 - a. Typical Sections Elements ROW width, Design speed, Pavement width, clear zone width, side treatments Horizontal Design Elements Centerline Radius, Tangent Distance between reverse curves, tangent distance between curves, stopping sight distance,
 - b. Vertical Curve Elements Centerline Grade max./min., crest vertical curve K, sag vertical curve K, minimum length of curve Intersections Offset, crossing angle, approach tangent lengths, approach grades, corner radius

X.3 PRELIMINARY ROAD PLANS

The purpose of a preliminary road plan is to design the major road features, using the criteria approved from the conceptual submittal, of the proposed development or project and to describe all existing conditions and propose facilities needed to conform to the requirements of these Criteria

1. A preliminary plan and/or design of the public improvement.
2. References A. Reference all criteria, master plans, and technical information used in support of preliminary plan.

X.4 FINAL ROAD DESIGN PLANS

The final road design serves to define and expand the concepts shown in the preliminary design or is sufficient of itself to assure conformance to these Criteria. A traffic study and or report prepared and signed by a licensed engineer that practices in the field of transportation shall be included in the final submittal. The conclusions and findings of which shall support the Criteria used for the design and the final design. In addition a soils report will be provided that supports all specified section profiles and specified soil/aggregate materials. The information required for the plans shall be in accordance with sound engineering principles, the technical provisions of any Town manuals (where appropriate), these criteria and other applicable Town ordinances, regulations, criteria or design guidelines. The plans may also be subject to review by outside agencies. The plans shall be signed and sealed by a Professional Engineer registered in the state of Utah.

Reference all criteria and technical information used.

Appendices should include all backup and supporting materials

APPENDIX 2

SITE DEVELOPMENT STORM DRAINAGE AND EROSION CONTROL PLANNING SUBMITTAL REQUIREMENTS

X.1 CONCEPTUAL LEVEL DRAINAGE CONTROL PLAN

At the conceptual level the following general project information shall be provided to The Town for review and approval prior to the development of a Preliminary Plan.

1. General Location and Description of Project
 - a. Township, range, section, 1/4 section, (subdivision, lot and block).
 - b. Major drainage ways and facilities.
 - c. Area in acres.
 - d. Proposed land use.
2. Drainage Basins and Sub-basins
 - aa. Reference to major drainage way planning studies such as flood hazard delineation report, major drainage way planning reports, and flood insurance rate maps.
3. Drainage Design Criteria
 - a. Proposed drainage concept and how it fits existing drainage patterns.
 - b. Discussions of drainage problems, including storm water quality, and potential solutions at specific design points.
 - c. Discussion of detention storage and outlet design.
 - d.
4. Identification of Potential Improvements to Public Drainage Systems
 - a. Identification of potential design concepts and impacts to local drainage systems.

X.2 PRELIMINARY DRAINAGE CONTROL PLANS

At the time of land zoning, rezoning, or proposal for development or redevelopment, a preliminary drainage report is required in advance of the final drainage report. Five (5) copies of the preliminary drainage report, prepared and signed by a Professional Engineer registered in the State of Utah, shall be submitted to the Planning Commission for review. Reports shall be cleanly and clearly reproduced and legible throughout. Blurred or unreadable portions of the report will be deemed unacceptable and will require resubmittal. Incomplete or absent information may require resubmittal of the report.

The purpose of a preliminary report is to define on a conceptual level the nature of the proposed development or project and to describe all existing conditions and propose facilities needed to conform to the requirements of these Criteria. Each preliminary drainage report shall provide the following report information and mapping. It is recommended that the Preliminary Plan prepared by the developer follow the general outline provided below to facilitate Town review.

REPORT CONTENT

General Location and Description

1. Location
 - a. City, County, State Highway and local streets within and adjacent to the site, or the area to be served by the drainage improvements.
 - b. Township, range, section, 1/4 section, (subdivision, lot and block).
 - c. Major drainage ways and facilities.
 - d. Names of surrounding developments.
 - e. Name of receiving water(s).
2. Description of Property
 - f. Existing ground cover (type and vegetation).
 - g. Area in acres.
 - h. Existing major irrigation facilities such as ditches and canals.
 - i. Proposed land use and ground cover.

Drainage Basins and Sub-basins

1. Major Basin Description
 - a. Reference to major drainage way planning studies such as flood hazard delineation report, major drainage way planning reports, and flood insurance rate maps.
 - b. Major basin drainage characteristics, and existing and planned land uses within the basin, as defined by the planning commission.
 - c. Identification of all nearby irrigation facilities that will influence or be influenced by the local drainage.
2. Sub-Basin Description
 - a. Describe historic drainage patterns of the property.
 - b. Describe offsite drainage flow patterns and impact on development under existing and fully developed basin conditions.

Drainage Facility Design Criteria

1. General Concept. Discuss the following:
 - a. Proposed drainage concept and how it fits existing drainage patterns.

- b. How offsite runoff will be considered and how expected impacts will be addressed.
 - c. Anticipated and proposed drainage patterns.
 - d. Storm water quantity and quality management concept and how it will be employed. The use of computer based models for the evaluation of storm water quality and quantity will not be universally required of new developments, although their use is recommended. Under site specific conditions where it is believed by the Town that impacts from the development may unacceptably impact downstream water quality or quantity however, their use may be required. The recommendation to use computer modeling during the evaluation process is made since it is likely that the review process will check the validity of the developer's conclusions utilizing SEDIMOT or other appropriate computer technology.
 - e. Maintenance and maintenance access.
 - f. Describe the content of tables, charts, figures, plates, drawings and design calculations presented in the report.
2. Specific Details (Optional Information)
 - a. Discussions of drainage problems, including storm water quality, and solutions at specific design points
 - b. Discussion of detention storage and outlet design.
 - c. Discussion of impacts of concentrating flow on downstream properties.

Public Drainage Improvements

If the project requires that drainage improvements be constructed that will be turned over and owned and maintained by the Town, the following must also be provided, obtained, or completed:

1. A preliminary plan and/or design of the public improvement.

References

1. Reference all criteria, master plans, and technical information used in support of concept.

MAPPING

Preliminary Report Mapping

1. The General Location Map shall show the following information and conform to the following standards.
 - a. All drawings shall be 22" x 34' in size.
 - b. Map shall provide sufficient detail to identify drainage flows entering and leaving the development and general drainage patterns.

- c. The general location map should be at a scale of 1" 500' to 1" = 4000' and show the path of all drainage from the upper end of any offsite basins to the defined major drainage ways.
 - d. Identify all major facilities (i.e., irrigation ditches, existing detention facilities, storm water quality facilities, culverts, storm sewers) downstream of the property along the flow path to the nearest major drainage way.
 - e. Basins, basin identification numbers, drainage divides, and topographic contours are to be included.
2. Floodplain Mapping:
- a. A copy of any published floodplain maps (i.e., flood hazard area delineation, flood insurance rate maps)
 - b. All major drainage ways shall have the defined floodplain shown on the report drawings.
 - c. Flood hazards from either shallow overland flow, side channels, or concentrated flows.
 - d. The location of the property in relation to the floodplain(s) and/or flood hazards.
3. Drainage Plan Mapping:
- a. Prepare at a scale of 1" = 20' to 1" = 200' on a 22" x 34" size drawing sheet.
 - b. Existing topographic contours at 2-foot (or less) intervals, in mountainous areas, the maximum interval may be extended to 5 feet. Final plan approval 1 foot contour intervals shall be shown for areas of little relief. The contours shall extend a minimum of 100-feet beyond the property lines.
 - c. All existing drainage facilities within map limits including basin boundaries and sub-boundaries.
 - d. Conceptual major drainage facilities including proposed storm water quality BMPs, detention basins, storm sewers, swales, riprap, and outlet structures it, the detail consistent with the proposed development plan.
 - e. Any offsite feature including drainage that influences the development.
 - f. Proposed drainage patterns and, if available, proposed contours.
 - g. Legend to define map symbols.
 - h. Project name, address, engineering firm and seal, and date the Title block in lower right corner.
 - i. North arrow, scale and available bench mark information and location for each benchmark.

X.4 FINAL DRAINAGE CONTROL PLANS, PLAT, DOCUMENT & CONSTRUCTION SPECIFICATIONS

The final drainage report serves to define and expand the concepts shown in the preliminary report or is sufficient of itself to assure conformance to these criteria. The

final report may be submitted at any point during the permitting and platting process, but be reviewed and approved prior to issuance of any permit.

Five (5) copies of the report shall be submitted to the Planning Commission. Reports shall be typed and bound on 8-1/2" x 11" paper with pages numbered consecutively. Drawings, figures, tables, etc., shall be bound with the report or contained in an attached pocket. The report shall include a cover letter presenting the design for review prepared or supervised by a Professional Engineer licensed in the State of Utah. The report shall contain a certification that reads as follows:

"This report for the drainage design of (name of development) was prepared by me (or under my direct supervision) in accordance with the J provisions of the storm drainage design and technical criteria, and was designed to comply with the provisions thereof. I understand that Hideout does not and will not assume liability for drainage facilities design."

Registered Professional Engineer
State of Utah No. _____
(Affix Seal)

REPORT CONTENT

The report shall be in accordance with the following outline and contains the following Applicable information:

1. General Location and Description.
 - a. Location
 - b. Information as required for Preliminary Plans.
 - c. Local streets within the adjacent to the subdivision.
 - d. Easements within and adjacent to the site.
2. Description of Property
 - a. Information as required for Preliminary Plans.
 - b. General project description.
 - c. Area in acres.
 - d. General soil conditions, topography, and slope.
 - e. Irrigation facilities.

Drainage Basins and Sub-basins

1. Major Basin Description
 - a. Information as required for Preliminary Plans.
 - b. Identification of all irrigation facilities within the basin that will influence or be influenced by proposed site drainage.
 - c. Sub-Basin Description
 - d. Information as required for Preliminary Plans.

Drainage Facility Design Criteria

The use of computer based models for the evaluation of storm water quality and quantity will not be universally required of new developments, although their use is recommended. Under site specific conditions where it is believed by the Town that impacts from the development may unacceptably impact downstream water quality or quantity however, their use may be required. The recommendation to use computer modeling during the evaluation process is made since it is likely that the review process will check the validity of the developer's conclusions utilizing SEDIMOT or other appropriate computer technology.

The design criteria used in the development of the drainage plan should be clearly identified including a discussion related to the use or implementation of any optional provisions intended by the developer or any deviation from the Criteria. Any deviation from the CRITERIA must be fully justified in the final design report. Development criteria should consider and discuss the following:

1. Previous Studies and Specific Site Constraints
 - a. Previous drainage studies (i.e., project master plans) for the site that influence or are influenced by the drainage design and how implementation of the plan will affect drainage and storm water quality for the site.
 - b. Potential impacts identified from adjacent drainage studies.
 - c. Drainage impacts of site constraints such as streets, utilities, transit ways, existing structures, and development or site plan.
2. Hydrologic Criteria
 - a. Design storm rainfall and its return period(s).
 - b. Runoff calculation method(s).
 - c. Detention discharge and storage calculation method(s).
 - d. Discussion and justification of other criteria or calculation methods used that are not presented in or referenced by the CRITERIA.
3. Hydraulic Criteria
 - a. Identify various capacity references.
 - b. Discussion of other drainage facility design criteria used that are not presented in these criteria.
4. Storm water Quality Criteria
 - a. BMPs to be used for storm water quality control.
 - b. Identify, as appropriate, water-quality capture volume and drain time for extended-detention basins, retention ponds and constructed wetland basins.
 - c. Identify, as appropriate, runoff volume and flow rates for design of water-quality swales, wetland channels, etc.
 - d. Discussion of other drainage facility design criteria used that are not presented in these CRITERIA or other manuals referenced by the Town of Hideout.
5. Waivers from Criteria

- a. Identify provisions by section number for which a waiver is requested.
- b. Provide justification for each waiver requested.

Drainage Facility Design Discuss the following:

1. Proposed concept and typical drainage patterns
2. Compliance with offsite runoff considerations.
3. Anticipated and proposed drainage patterns.
4. Proposed storm water quality management strategy.
5. The content of tables, charts, figures, plates, or drawings presented in the report.
6. Drainage problems encountered and solutions at specific design points.
7. Detention storage and outlet design.
8. Storm water quality BMPs to be used.
9. Maintenance access and aspects of the design.
10. Easements and tracts for drainage purposes, including the conditions and limitations for use.

The information required for the plans shall be in accordance with sound engineering principles, the technical provisions of any Town manuals (where appropriate), these CRITERIA, and other applicable Town ordinances, regulations, criteria or design guidelines. The plans may also be subject to review by outside agencies such as JTAC, Federal Emergency Management Agency, U.S. Army Corps of Engineers, Environmental Protection Agency, Utah Water, or other agencies as required. The plans shall be signed and sealed by a Professional Engineer registered in the state of Utah.

Conclusions

The Proposed Drainage Facility Plan will be evaluated based upon the material and data submitted in accordance with these CRITERIA and other manuals referenced by the Town of Hideout. The plan must evaluate the effectiveness of the drainage design in controlling damage from storm runoff, in removing pollutants from storm runoff, and its potential influence on downstream drainages.

References

Reference all criteria and technical information used.

Appendices

Appendices should include all backup and supporting materials including:

1. Hydrologic Computations (Including computer model input and output listings.)
 - a. Land use assumptions regarding adjacent properties.
 - b. Initial and major storm runoff at specific design points.
 - c. Historic and fully-developed runoff computations at specific design points.
 - d. Hydrographs at critical design points.
 - e. Time of concentration and runoff coefficients for each basin.

- f. Storm water quality BMP sizing calculations including runoff adjustments for minimizing directly-connected impervious areas.
2. Hydraulic Computations (Including computer model input and output listings.)
 - a. Culvert capacities.
 - b. Storm sewer capacity, including energy grade line (EGL) and hydraulic grade line (HGL) elevations.
 - c. Gutter capacity as compared to allowable capacity.
 - d. Storm inlet capacity including inlet control rating at connection to storm sewer.
 - e. Open channel design.
 - f. Check and/or channel drop design.
 - g. Detention area/volume capacity and outlet capacity calculations for flood detention and water quality basins; depths of detention basins.
 - h. Wetland area and area/depth distribution for constructed wetland basins.
 - i. Infiltration rates and volumes for porous pavement or release rates where under drains or infiltration is not possible.
 - j. Flow rates, velocities, longitudinal slopes and cross-sections for wetland channels and water quality swales.
 - k. Downstream/outfall system capacity to the Major Drainage way System.

MAPPING

Final Report Mapping

1. General Location Map – Shall include all items as identified for the Preliminary Plan.
2. Floodplain Mapping. - Shall include all items as identified for the Preliminary Plan.
3. Drainage Plan Mapping. - In addition to those items identified for the development of the Preliminary Plan, Drainage mapping shall include the following:
 - a. Property lines, existing easements, and easements proposed for dedication, with purposes noted.
 - b. Streets, indicating ROW width, flow line width, curb or roadside swale type, sidewalk, and approximate slopes.
 - c. Existing drainage facilities and structures, including irrigation ditches, roadside ditches, cross pans, drainage ways, gutter flow directions, and culverts. Also show pertinent information such as material, size, shape, slope and locations.
 - d. Proposed type of street flow (i.e., vertical or combination curb and gutter), roadside ditch or swale, gutter, slope and flow directions, and cross pans.
 - e. Proposed storm sewers and open drainage ways, including inlets, manholes, culverts, and other appurtenances, including riprap or other erosion protection.

- f. Proposed structural water-quality BMPs, their location, sizing, and design information.
- g. Proposed outfall point for runoff from the developed area and, if required, facilities to convey flows to the final outfall point without damage to downstream properties.
- h. Routing and accumulation of flows at various critical points for the initial and water-quality storm runoff events, and major storm runoff events.
- i. Volumes and release rates for detention storage and water-quality capture volume for facilities and information on outlet works.
- j. Location and water surface profiles or elevations of all previously defined floodplains affecting the property. If floodplains have not been previously published, they shall be defined and shown on the drainage plan.
- k. Location, and measured or estimated elevations, of all existing and proposed utilities affected by or affecting the drainage design.
- l. Routing of upstream offsite drainage flow through or around the development.
- m. Location of any improvements included in the appropriate or accepted outfall system plan, major drainage plan, and/or storm drainage plan.
- n. Definition of flow path leaving the development through the downstream properties ending at a major drainage way or receiving water.

CONSTRUCTION PLANS

For on-site drainage improvements, the final construction plans (22' x 34") shall be submitted after approval of the Final Drainage Report. Ten (10) sets of plans shall be submitted for approval. Upon approval, four sets, stamped and signed, will be returned to the design engineer for use by the contractor, owner and design engineer. However, before any construction work begins, appropriate bonds, letters-of-credit, or other surety as required should be issued to the Town. The construction plans as a minimum and as appropriate will include:

1. Plan and profile of proposed pipe installations, inlets and manholes with pertinent elevations, dimensions, type and horizontal control shown.
2. Property and right-of-way lines, existing and proposed structures, fences and other land features.
3. Plan and profile of existing and proposed channels, ditches swales, and on-site water-quality BMPs with construction details, cross-sections and erosion controls.
4. Detention and water quality (if separate) facility grading, trickle channels (if any), outlet and inlet location, cross-sections or contours sufficient to verify volumes, etc.
5. Details of inlet and outlet control devices and of all structural components being constructed.
6. Maintenance access.
7. General overlot grading and the erosion and sediment control plan prepared in accordance with applicable provisions of these criteria and the manual.

8. Areas of modular block porous pavement, if any, and installation details.
9. Landscaping and re-vegetation plans and details.
10. Proposed finish floor elevations of structures.
11. Relation of site to current and, if appropriate, modified floodplain boundaries.
12. A statement agreeing to maintain and operate all privately-owned facilities (if any) in a working manner and/or in accordance with the requirements of the Utah Water Quality Control Division specified in the storm water discharge permit issued to the Town of Hideout.
13. Signature and seal of a professional engineer preparing these plans.
14. Approval by the Town does not constitute an approval or the issuance of permits by the State of Utah, which approval and/or permits shall be obtained prior to initiating any construction activities on the site.

X.5 AS-BUILT DRAWINGS AND CERTIFICATION

Upon completion of construction, the professional engineer that prepared the design plans (or a professional engineer that assumes the responsibility for the inspection) shall provide a Certification of Inspection verifying that all work was substantially performed in accordance with the approved plans and in substantial compliance with all applicable criteria and that any changes which occurred during construction are included in the as-built drawings. Special circumstances may require that as-built reproducible drawings of the drainage improvements also be provided. Certification of Inspection and as-built drawings (if required) may be required prior to the issuance of a final sewer connection permit or the issuance of a Certificate of Occupancy.

Appendix 3

SEWER AND WATER DESIGN CRITERIA

It is the intent of Hideout that sewer and water improvements shall be designed to meet the below design criteria. Designs or portions of designs that deviate from this standard must be noted and have prior approval from Hideout's engineer.

POTABLE WATER SYSTEMS

Design Criteria

Required Improvements: The following improvements are generally required unless waived by the District on the basis of site conditions which make these improvements unnecessary. The design of the improvements will vary depending on site conditions, planning documents adopted by the District that may cover the site or adjoining public properties. Unless otherwise stipulated all improvements shall be designed and built to generally accepted engineering standards.

- a. The distribution system shall deliver water at pressures between 50 and 100 psi pressure, as measured at the main, to each system connection. Water pressure may drop to 20 psi during fire flow scenarios. If necessary, pressure reducing valves shall be placed on the mains. Pressure reducing valves on service laterals in lieu of system PRV's shall only be allowed by the review and approval of the District Engineer. At no time shall water pressure exceed 120 psi to each system connection. At no time shall services be connected to transmission lines.
- b. The water system pumps, storage tanks, transmission and distribution mains, etc. shall be of adequate size to deliver a peak day flow of 2,400 gpd per ERU at velocities less than 7 fps. (As a rule of thumb, use a peak day demand design velocity of 5 feet per second.) The water system shall also have adequate capacity to deliver the peak instantaneous demand and/or peak day demand plus fire flow requirements at a velocity less than 12 fps. The system shall be designed to provide the following fire flows and to meet adopted codes. Fire District standards:

Residential Connections:	2,000 gpm for 2 hours
Commercial Connections:	3,500 gpm for 3 hours
- c. Fire hydrants are required along public ways or walks or drives which are to be snow-plowed. Fire hydrant spacing shall be in accordance with applicable codes. All water mains serving a hydrant shall be a minimum of eight-inch diameter. Each hydrant shall have an auxiliary gate valve located flanged to the hydrant assembly.
- d. A metallic tracer wire and brightly-colored utility warning tape may be required to be placed 1.5' to 3' above all underground utility lines.
- e. All utilities and meter locations must be shown, including water and sewer laterals.
- f. All connections to the water system shall be inspected and metered unless otherwise approved by the local jurisdiction. All connections 4 inches in diameter or larger shall also be provided with a valve at the tee or property line and in other locations subject to the approval of the local jurisdiction. All connections, piping,

and appurtenances on the consumer's side of the water meter or beyond a point 5 feet outside of the public roadway are to be maintained privately. Any large addition to the water system, such as a new condominium project or subdivision, may also be required to install a master zone meter.

1. The Water System Connection inspection is in three phases, each phase shall be inspected by the local jurisdiction:
 - i. Excavation, Tapping, and Backfilling
 - ii. Meter Set Request
 - iii. After other Public Improvements (such as asphalt paving) have been completed.
- g. All staging area must be identified. Site survey information including detailed horizontal and vertical information relating to existing and future items may be required.
- h. Methods of temporary and permanent erosion control on construction sites and along all drainage channels, swales, or streams below construction sites.
- i. Wherever possible open channels shall be preserved for all major drainages shown on the Master Storm Drainage Plan. Culverting of these channels is not allowed unless approved by the local jurisdiction. Landscaping and re-vegetating to stabilize soils may be required.
- j. Water system improvements necessary to keep water storage and distribution system fully in accordance with recommendations from the Insurance Services Office and Utah State Board of Health regulations. Improvements required include but are not limited to: reservoirs and appurtenances, including excess capacity as need to provide efficient long-term system operation, pressure reducing stations, pump stations, valves, air release valve vaults, meter vaults, water distribution lines, telemetering, and computer modeling to determine the impacts of a proposed development on the water system.
- k. As-built drawings or record drawings showing the as-built location of all public improvements tied to as-built surface improvements.

SANITARY SEWERS

Design Criteria

Design Regulations:

- a. Sanitary Sewers shall be designed in accordance with all applicable State of Utah standards and adopted codes.
- b. All sanitary sewer systems shall be designed to exclude all storm water runoff, or water from field drainage systems, foundation drains, underground parking structures, roofs, streets, and other paved areas.
- c. Downspout connections, foundation and basement drains, sumps and storm drain Connections shall be prohibited from discharging into the sanitary sewer system.
- d. Grease traps or oil separators shall be sized for peak flows and average loading of grease/oil by an engineer and approved by the jurisdiction prior to placement. The grease traps or oil separators shall be placed to allow access for inspection and

cleaning. This applies to commercial and institutional facilities, and any building or lot with the potential of introducing substances that would be detrimental to treatment facilities.

- e. Sewer systems shall be designed to eliminate possible cross connections with culinary water system.

Laterals:

Laterals connected to the public sewers shall meet the following requirements:

- a. Laterals shall be of PVC, ABS (solid wall), HDPE, ductile iron, or other material approved by the local jurisdiction.
- b. Laterals shall have a nominal inside diameter of not less than 4 inches nor greater than 6 inches. Properties requiring laterals greater than 6 inches shall be reviewed and approved by the local jurisdiction.
- c. Each dwelling unit shall be served by an individual lateral unless specifically approved by the local jurisdiction. "Stacked" dwelling units may be served otherwise.
- d. Laterals shall be laid at a minimum slope of 1/4 inch per foot (2%) unless specifically approved by the local jurisdiction.
- e. Laterals should not be located under driveways unless required to do so because of the grade.
- f. A minimum of two cleanouts are required on each lateral. One cleanout is required at the property line within the right-of-way. It is recommended that the second cleanout be located next to the building being served.
- g. In addition to the above, cleanouts shall be installed at intervals not to exceed 100 feet in straight-line runs and for each aggregate change in direction exceeding 135 degrees and behind any bend greater than 22% degrees.
- h. Maintenance for laterals from the building to the main sewer line, including the connection to the main sewer line, shall not be the responsibility of the local jurisdiction unless a maintenance agreement is executed with the local jurisdiction to provide the maintenance.
- i. Laterals for pressure sewer systems for individual building units shall require special approval from the local jurisdiction.
- j. Laterals extending under structures, such as retaining walls, shall be installed in rigid conduit or casing in area of the structure. Where a lateral crosses under a retaining wall, storm drain box, or other structure, a minimum vertical separation of 18-inches shall be maintained.
- k. Laterals, when constructed in conjunction with new sewer lines, shall extend from the sewer main to five (5) feet beyond the right-of-way or property line, or as indicated in approved construction drawings. Laterals deeper than fifteen (15) feet shall extend to ten (10) feet beyond the right-of-way or property line or as indicated in approved construction drawings.
- l. An approved Inspector shall witness all lateral installations before backfilling. Buried laterals not inspected, witnessed or verified will be re-excavated and the end of the lateral exposed for verification at the expense of the contractor.

- m. A brightly colored utility warning tape shall be used. The tape shall be placed in the partially backfilled trench one and a half to three feet above the lateral and lay along the laterals entire length to help to locate the pipe when digging.
- n. Immediately following installation of the lateral, sewer lateral markers (rebar) are to be installed by the contractor at the end of each lateral. The marker is to be placed at the end of the plugged lateral and extended upward 2 feet above grade, painted green, and is to be visible at Final Construction Approval. In addition, the end of the lateral shall be referenced with horizontal distance ties to property corners. In the absence of established property corners, ties to construction survey control hubs (off-sets) shall be used. In the event rebar markers or off-set hubs are lost during construction activities, off-set hubs and rebar markers shall be reset using accepted survey practices and procedures as soon as practical after earthwork is completed and the hubs shall remain in place until satisfactory reference points (property corners with distance ties) are established.

Design Period: The sewer system shall be designed to serve the estimated ultimate tributary area and shall be based on the best information available, including Master Plan Study, current zoning regulations and approved planning and zoning reports when available.

Design Capacity: Design average flow shall be estimated at not less than 100 gallons per capita per day, including infiltration at 200 gallons per diameter inch per mile per day. To accommodate peak flows, sewers shall be designed, flowing full, to carry not less than the following contributions:

- 1. 4-inch and 6-inch laterals: 400 gallons per capita per day.
 - 2. 8-inch thru 15-inch sewers: 400 gallons per capita per day.
 - 3. Larger than 15-inch sewers: 250 gallons per capita per day.
- a. Flow from commercial, municipal and industrial connections.
 - b. Additional ground water infiltration, if applicable.
 - c. Infiltration flow rates previously stated apply only to the design of the sewer system. These rates do not apply to sewer line construction and Final Construction Approval.

Alternate Methods of Design: If use is made of methods of sewer design other than those described above, a complete description of methods used shall be presented to the local jurisdiction for approval.

Sewer Size: All public sewers shall be 8 inches in diameter or larger. This requirement does not necessarily imply 8-inch and larger laterals are public sewers.

Sewer Depth: Sewers shall be placed deep enough to serve all adjacent properties assuming that adjacent properties will have buildings with basements to be served by the sewer system. (2% minimum grade on laterals from basements). The Sanitary sewer lines shall be below frost line at all points. (The generally accepted frost line depth for Hideout

area is approximately 60".) For specific instances and when approved by the local jurisdiction, less cover may be approved. Sanitary sewer lines shall maintain an 18 inch vertical separation from any adjacent waterlines.

Sewer Slopes: All sewers shall be designed and constructed for mean flow velocities, when flowing full, of not less than 2.0 feet per second, based on Kutter's formula using an 'n' value of 0.013. The following are the minimum slopes which shall be provided; however, slopes greater than these are desirable, especially in the upper reaches of sewer systems.

Sewer Size	Minimum Slope in Feet per 100 Feet
8"	040
10"	028
12"	022
14"	017
15"	015
16"	014
18"	012
21"	010
24"	0.08

Sewers on slopes 3:1(33.3%) or steeper shall be anchored immediately downstream from bells with concrete anchors or approved equal as follows:

- a. Not over 24 feet center-to-center on slopes 3:1 to 2:1(33.3% to 50%).
- b. Not over 16 feet center-to-center on slopes steeper than 2:1 (50%)

Sewer Alignment:

- a. Sewers shall be designed on straight alignment between manholes.
- b. Sewer lines shall be located at a sufficient distance from curb and gutter and other structures to eliminate disturbance during possible future repair of the sewer line.

Curved Sewers:

- a. Curved sewers shall be allowed with HDPE pipe materials only. Curvature shall not be deflected to a smaller radius than the manufacturer's recommended minimum radius and shall be installed in accordance with manufacturer's requirements for curved installation.
- b. Curved sewers shall not be allowed on grades of less than 5%.with out approval of the local jurisdiction.
- c. All sewers may have a vertical curve OR a horizontal curve only in a reach between manholes.

Pipe Transitions: At manholes, where sewer diameters change, the flow energy gradient shall be continuous. The 0.8 depth of the two sewers shall be placed at the same elevation, with proper allowance for any manhole head loss, or as required to provide proper flow.

Manholes:

Location:

- a. Manholes shall be installed at the end of each line, at all changes in pipe size, or changes in alignment or grade; at all junctions, and at intervals not to exceed 400 feet.
- b. Manholes shall be provided at street intersections.
- c. Watertight, seal-down covers shall be provided in areas subject to flooding. Flood plains shall be avoided. If flood plains cannot be avoided, the manhole lid shall be water-tight and set 1 foot above the 100-year flood elevation.
- d. Manholes shall not be positioned in waterways, such as gutters.
- e. Manholes shall not be placed within 10 feet of catch basins or in low joints where catch basins are located.
- f. Manholes shall be placed within a five (5) foot offset from the street centerline whenever possible. If circumstances warrant and as specifically approved by the local jurisdiction, manholes may be located outside the five-foot offset. However, in these special cases the manhole shall be located within the pavement with a minimum distance of 2.5 feet required between edge of pavement, concrete curb or gutter, and edge of manhole rim.
- g. New sewer lines located along new and existing roads are governed by the above criteria. However, if shown that placing a new sewer line in an existing road is detrimental to the existing road, cost prohibitive, and the alternative is in the best interest of Hideout, as determined by Hideout, the sewer line may be located off the roadway providing the following requirements are met:
 1. The sewer line shall be located at least five feet outside of the pavement and within the right-of way. The sewer line shall not be placed under existing or planned sidewalks or other utilities. Manholes shall be marked with a 3 foot treated wood or plastic post with "sanitary sewer" written thereon.
 2. The shoulder of the road from the edge of pavement to each manhole shall be at the level of the paved surface including an area around each manhole sufficient in size to allow for easy access to and maintenance of the manholes.
 3. The top of manhole castings shall extend two to six inches above finished grade.
 4. Grading around the manholes shall provide for side road drainage and drainage away from the manhole.
 5. Five foot separation from other utilities.
- g. Back lot sanitary sewer lines shall be generally described as public sanitary sewer lines and manholes where the following conditions apply:
- h. A section or sections of sewer line (manhole to manhole) is located outside of paved surfaces and;
- i. A section or sections of sewer is not accessible, for maintenance purposes, from a manhole which is within 10 feet of the edge of pavement. The use of back lot

sewer lines shall be avoided in the design of public sanitary sewers. In the event design conditions warrant the use of back lot sewer lines, the use of such lines is subject to review and approval by the local jurisdiction.

The following items may be required for Final Design Approval:

1. Special design considerations (i.e. greater pipe slopes, erosion protection, etc.)
2. Access roads and easements.
3. Back lot Maintenance Agreement between the Developer and special service district.

Inverts: The minimum drop through manholes shall be 0.2 feet.

- a. Flow channels through manholes shall be shaped to conform to the cross-section of the connecting sewers. In the case of pre-cast manhole bases with different diameters of connecting sewer, the larger diameter will determine the size of the pre-cast channel.
- b. Flow channels shall be smooth with a uniform grade from inflow to outflow pipe flow lines.
- c. The amount of drop through manholes and the information to be shown on the construction plans shall be determined as follows:

Slope of Connection	Amount of drop determined by	Information to be shown on construction plans
Minimum slope to 5%	0.2 feet through manhole	In and out elevations shown on profile
5% to 20%	Smooth transition between connecting sewers	In and out elevations shown on profile
20% and above	Smooth transition between connecting sewers	In and out elevations shown on profile. Manhole base detail including plan and at least one section

In addition to the above information, a manhole base detail shall be required when the horizontal deflection angle of the connecting sewers is ninety degrees or greater, or when requested by the local jurisdiction. Horizontal deflection angles greater than ninety degrees shall only be allowed with approval of the District Engineer.

Sufficient information should be shown on the construction drawings to provide for efficient design review, construction, and inspection.

Drop Connections: Shall be used whenever the elevation difference between the inverts of the Inflow pipe and the outflow pipe exceed eighteen inches. Drop connections must be constructed with internal drops and are subject to approval by the local jurisdiction.

Diameters: Manhole diameters shall be at least 48 inches. Manholes on sewer lines 15 inches and greater, or 16 feet and deeper, shall be 5 feet in diameter. 5-foot diameter manholes shall be indicated on the Final Design Drawings.

Shallow Manholes: Shallow manholes shall be required for depths less than 6 feet and are subject to approval by the local jurisdiction. Shallow manholes shall be indicated on the Final Design Drawings.

Cleanouts: Cleanouts shall not be used as an alternative to manholes on sewer lines 8 inches in diameter and greater.

Protection of Water Supplies: It is generally recognized that sewers and appurtenances must be kept remote from public water supply wells and other water supply sources and structures.

The following specific requirements shall be observed at all times:

1. There shall be no physical connection between a public or private potable water supply system and a sewer, or appurtenances thereto, which could permit the passage of any wastewater or polluted water into the potable supply.
2. Sewers shall be laid at least 10-feet horizontally from any existing or proposed water main.
3. Where a water line and sewer line must cross, the water line shall be at least 18-inches above the sewer line.
4. The above requirements shall apply to sewer laterals and water service lines to a building.
5. Refer to the State of Utah Administrative Rules for Public Drinking Water Systems, Section R309-21 1-7 for installations that are not mentioned in the above specific requirements.

Easements:

- a. Easements shall be required on all public sewers not located in dedicated public roadways.
- b. All easements shall be wide enough for future maintenance.
- c. Easements shall extend ten feet beyond the last manhole or last section of public sewer pipe.
- d. When a sewer is located in an easement, not abutting a street right-of-way, access easements shall be provided.
- e. Dedication Plats or signed public utility easements shall be submitted, reviewed, and approved along with Final Design Plans. Whenever the Final Design plans precede the Dedication plat, a letter indicating that all public utility easements will be granted by plat, shall be provided.
- f. A display shall be attached to all easements showing the location in relation to the sewer line.

Wastewater Pumping Stations: Use of wastewater pumping stations will be avoided whenever possible. Pumping stations are subject to approval and review by the local jurisdiction.

Appendix 4 Modifications to the AWWPA Documents

MANUAL OF STANDARD PLANS

1. Plan no. 110 – Arrow Diagram for Project Closeout
 - a. Delete Step “F”
2. Plan no. 231 – Concrete Sidewalk
 - a. Delete the 6” thickness requirement and the formula for “L max”.
 - b. Add note 6., to read as follows
 - i. 6. Cross slopes greater than 3% will be cause for rejection.
3. Plan no 232 – Patterned concrete Park Strip
 - a. Add note 7. to read as follows:
 - i. 7. In park Strips wider than 24”, poured concrete is not allowed. (See SLC code 21A.48 for park strip landscaping requirements.)
4. Plan no. 238 – Detectable Warning Surface
 - a. Delete note 2.A.2
5. Plan no. 251 – Asphalt Concrete Pavement Tie-in
 - a. Amend note to read as follows:
 - i. 5.A Install in lifts no greater than 4 inches after compaction.
6. Plan no. 256 – concrete Pavement Patch
 - a. Amend note 4 to read as follows:
 - i. 4. reinforcement: ASTM A615, Grade 60, no. 5 epoxy coated deformed steal 24 inches on center.
7. Plan no. 261 – Drawing 1, Concrete Pavement Joints
 - a. Amend note 1 to read as follows:
 - i. 1. Reinforcement: ASTM reinforcement: ASTM A615, Grade 60, No. 5, 18 inches long epoxy coated deformed steel rebar or smooth steel dowels as indicated.
 - a. Space rebar and dowels at 24 inches on center
 - b. Grease dowels to provide movement in expansion joints.
 - c. Keep tie bars in the vertical center of the concrete slab and perpendicular to the joint during concrete placement.

2. MANUAL OF STANDARD SPECIFICATIONS

1. Document 007200 General Conditions
 - a. Delete in its entirety.
2. Division 01 – General Requirements
 - a. Amend as follows:
 - i. Section 012400 Value analysis – delete the entire section.
 - ii. Section 012500 Product Options and Substitutions – delete the entire section.
 - iii. Section 012600 Contract Modification Procedure – delete the entire section.
 - iv. Section 012900 – Payment Procedure – delete the entire section.
 - v. Section 013113 – Coordination – Delete 1.4A.
 - vi. Section 013119 – Preconstruction Conference – Delete 1.2B in its entirety.
 - vii. Section 013119 – Preconstruction Conference – Amend 1.2C to read as follows: 1.2C – The purpose of conference is to designate responsible personnel and establish a working relationship. Matters requiring coordination will be discussed and procedures for handling such matters established. Agenda items may include but are not limited to: 1. Distribution of approved plans; 2. contractor's schedule; 3. Material submittal and testing requirements; 4. Traffic Control; 5. Record Documents.
 - viii. Section 013216 – Progress Schedule – Delete the entire section.
 - ix. Section 013510 – Acceptance – Amend 1.2A to read as follows: 1.2A. – Acceptance testing: Testing is accomplished by a testing agency employed by the contractor to verify product or work complies with the contract documents. Engineer may choose to perform tests and use them as the basis for acceptance.
 - x. Section 013510 – Acceptance – Amend 1.3A to read as follows: 1.3A – Physical testing will be accomplished by the testing agency employed by the contractor.
 - xi. Section 013610 – Acceptance – Delete 1.3.B and 1.3.C.4
 - xii. Section 013510 – Acceptance – Amend 1.4B to read as follows: 1.4B – Engineer is not obligated to accept material, product or work if it is clearly defective, even if passing tests are obtained on samples of the material in question.
 - xiii. Section 013510 – Acceptance – Amend 1.5B to read as follows: 1.5B – If contractor does any retesting of asphalt cores, permission from the engineer is required prior to retesting. Engineer may choose to perform tests and use the results as the basis for acceptance.
 - xiv. Section 013510 – Acceptance – Amend 1.5 D to read as follows: 1.5D – All testing or retesting performed by the contractor shall be done at no expense to the owner.

- xv. Section 014340 – Resident Superintendent – Delete the entire section.
3. Amend Division 31 – Earthwork as follows:
 - a. Section 310513 – Common Fill – Amend 2.2A to read as follows: 2.2A – The maximum particle size shall not exceed 4” and the percent passing to the no. 200 sieve shall not be greater than 12% unless approved by the engineer.
 4. Amend Division 32 – Exterior Improvements as follows:
 - a. Section 321205 – Asphalt Concrete – Delete 1.5A.2 and 1.6A.3.
 - b. Section 321205 – Asphalt Concrete – Amend 1.6C.3.c and table 1 as follows: Pay factors are not applicable. If the mean of the deviations of test results for one day’s production is greater than the amount shown in table 1 for the 0.85 pay factor, the engineer may require the removal of the pavement or the installation of a seal coat at no expense to the owner.
 - c. Section 321216- Plant Mix /Asphalt Paving – Delete 1.7A.2, 1.7A.3, 1.7A.4, 1.7F and 1.7G, Table 1, Table 2 and Table 3.
 - d. Section 321216 Plant Mix / Asphalt Paving – Amend 1.7E to read as follows: 1.7E. Compaction and thickness: Pay factors are not applicable. Submit core test results at the rate of 1 test per 1000 square yards. The average compaction density shall be between 92% and 96% of theoretical maximum specific gravity, ASTM D 2041 (rice method) with no test lower than 89%. The average of all core thickness tests shall not be deficient by more than ¼” with no test deficient by more than ½”. If these requirements are not met, the engineer may require a seal coat, an overlay, or removal of the pavement at no expense to the owner.
 - e. Section 321313 – Concrete Paving – Delete 1.7A.2, 1.7A.3, 1.7C.2.b, 1.7C.2.c, and 1.7C.2.d
 - f. Section 321313 – Concrete Paving – Amend 1.7B.3 to read as follows: 1.7.B.3 Pay factors are not applicable. The average of the 28 day compressive strength tests shall exceed 4000 PSI.
 - g. Section 321313- Concrete Paving – Amend 1.7.C.2.a to read as follows: 1.7.C.2.a Pay factors are not applicable. Coring for thickness determination is not required unless more than 500 square yards is installed. The average thickness shall be within ¼” of the design thickness with none of the concrete deficient from the design thickness by more than ½”.
 - h. Section 321613 – Driveway, Sidewalk, Curb, Gutter – Delete 1.6.A.2 and 1.6.A.3.

APPENDIX 5
ERU / EQUIVALENT RESIDENTIAL UNITS

Configuration	Notes	ERU's
Motel/Hotel Room*	Not to exceed 500 sf including bathroom areas, but not including corridors outside of room.	.25
Hotel Suite or One Bedroom Apartment	Not to exceed 700 sf including bathroom areas but not corridors outside of rooms	.33
One Bedroom Apartment or Two Bedroom Apartment	Not to exceed 1000 sf and not to exceed 1 ½ baths.	.50
Apartment / Condo	Not to exceed 1500 sf	.75
Single Family Residences	Up to 5000sf, plus an incremental increase based on impacts to the District	1.00
Commercial	For each 2000 sf of gross floor are, or for each part of a 2000 sf interval	.86

- * Motel/hotel uses must be declared at the time of site plan submittal, and are subject to review for neighborhood compatibility. Within a hotel, up to 5% of the total floor area (as defined in the current building code) may be dedicated to meeting rooms, and an additional 5% for support commercial areas, without requiring the use of a unit equivalent of commercial space.

CHAPTER 8

GENERAL PLAN ADMINISTRATION

Section

11.08.101:	GENERAL PLAN ADMINISTRATION
11.08.102:	PURPOSE
11.08.103:	SCOPE
11.08.104:	GENERAL PLAN INTERPRETATION
11.08.105:	GENERAL PLAN AMENDMENT
11.08.106:	APPLICATION PROCEDURES
11.08.107:	NOTIFICATION PROCESS
11.08.108:	APPEAL OF HIDEOUT LEGISLATIVE BODY ACTION
11.08.109:	HIDEOUT LEGISLATIVE BODY ACTION
11.08.110:	GENERAL PLAN CONSISTENCY

11.08.101 GENERAL PLAN ADMINISTRATION

11.08.102: PURPOSE:

The purpose of this chapter is to establish guidelines and procedures for amendment, maintenance and administration of a comprehensive, long-term General Plan and for the conservation and development of portions of the Town of Hideout. The plan and procedures are to be consistent with State planning statutes.

1. The purpose of the Hideout General Plan is to set policies to guide future growth and development in a manner consistent with the goals and quality of life desired by Hideout citizens. The Hideout General Plan is intended to be an integrated and internally consistent statement of policies to serve as a clear and useful guide for land use planning for public agencies and private citizens. The General Plan forms the basis for the Town of Hideout's zoning, subdivision and other land use regulations and for such implementation measures as capital improvement programs, housing programs, and growth management programs.
2. The General Plan is based on community values and an understanding of existing and projected conditions and needs, all of which are subject to change. The General Plan Amendment process established by Utah State Law and this chapter therefore enables the General Plan map designations and/or written policy statements to be changed. The General Plan is a policy document for the entire Town of Hideout and may be amended only if the amendment is in the best interest of the residents on a town wide basis. Every General Plan Amendment must be consistent with the rest of the General Plan or appropriate changes must be made to maintain internal consistency.

11.08.103: SCOPE:

This chapter requires the Town of Hideout to maintain a comprehensive General Plan consistent with state statutes and establishes procedures for interpretation and amendment of the General Plan. Administrative procedures are also provided for an annual review of the General Plan and a review of public works projects.

11.08.104: GENERAL PLAN INTERPRETATION:

Where disputes arise over the interpretation of General Plan policies or mapping designations, such interpretation shall be resolved by a majority vote of the Hideout Legislative Body based on a report by the Planning Commission.

11.08.105: GENERAL PLAN AMENDMENT:

1. Amendment Initiation. A General Plan Amendment may be initiated by:
 - a. A Resolution of Intention by the Hideout Legislative Body or the Planning Commission;
 - b. An application by a property owner, an interested party having the owner's authorization, or any member of the general public.
2. Amendment Frequency. Proposed amendments to the General Plan will be considered by the Hideout Legislative Body once each calendar year in November.
3. Consistency of Land Use. When a General Plan amendment is approved by the Hideout Legislative Body and the amendment affects the land use designation of specific properties, those properties shall be concurrently rezoned to a zoning district(s) as necessary to maintain consistency with the General Plan.

11.08.106: APPLICATION PROCEDURES:

1. Application. Application to amend the General Plan shall be accompanied by a written description of the proposed amendment, the reasons for the request, and any supporting information as may be available, appropriate or as requested to process the application. General Plan Amendments for specific properties shall be accompanied by an application to rezone the property to a zoning district consistent with the proposed amendment.
2. Fees. Applications for General Plan Amendments shall be processed on a full cost recovery basis, in accordance with the Town of Hideout Ordinance Setting Fees.
3. Physical Constraints Analysis. A General Plan Amendment shall require a Physical Constraints Analysis to be submitted with the application.

11.08.107: NOTIFICATION PROCESS:

Notice of a proposed amendment to the General Plan shall be consistent with the requirements of State law.

11.08.108: APPEAL OF HIDEOUT LEGISLATIVE BODY ACTION:

1. If a proposed amendment to the General Plan is initiated by Resolution of the Hideout Legislative Body or by application of a property owner, interested party, or member of the general public, and the Hideout Legislative Body fails to approve the proposed amendment, that decision is final unless appealed to the Board of Adjustments within thirty (30) days of the date of the Hideout Legislative Body's decision.
2. If a proposed amendment to the General Plan is initiated by Resolution of the Hideout Legislative Body, the Planning Commission will review the proposed amendment and recommend approval or denial to the Hideout Legislative Body for a final decision.

11.08.109: HIDEOUT LEGISLATIVE BODY ACTION:

1. Public Hearing. After receiving the Planning Commission recommendation, the Hideout Legislative Body shall hold a public hearing on the proposed amendment after giving notice as required by state law. The public hearing shall be set for the November public hearing of the General Plan Amendments.
2. Action on Planning Commission Recommendation. The Hideout Legislative Body may approve, modify, or disapprove the Planning Commission's recommendation, provided that any substantial modification, not previously considered by the Planning Commission, shall be referred to the Planning Commission for a report and recommendation.
3. Referral. If the Hideout Legislative Body initiates an amendment to the General Plan, the proposed amendment shall first be referred to the Planning Commission for a report. The Planning Commission shall hold a public hearing after giving notice as required by state law and shall submit a report to the Hideout Legislative Body.

11.08.110: GENERAL PLAN CONSISTENCY:

1. Land Use Regulation. All land use regulations including building, zoning, subdivision and environmental protection regulations shall be consistent with the adopted General Plan. No discretionary land use project, public or private, shall be approved by the Town of Hideout unless it is found to be consistent with the adopted General Plan.

Reviewing Department. The Planning Department is designated as the department authorized to review discretionary land use projects, public or private, and to make findings regarding whether such projects are consistent

CHAPTER 9 CONDITIONAL USES

Section

11.09.101:	PURPOSE
11.09.102:	CONDITIONAL USE PERMIT
11.09.103:	APPROVAL OF CONDITIONAL USE PERMIT
11.09.104:	NOTIFICATION OF A CONDITIONAL USE
11.09.105:	APPEALS OF DECISION
11.09.106:	INSPECTION
11.09.107:	TIME LIMIT
11.09.108:	DETERMINATION AND CONSIDERATIONS
11.09.109:	STANDARDS FOR CONDITIONS
11.09.110:	CONDITIONS RELATING TO SPECIFIC TYPES OF USES

11.09.101: PURPOSE:

The purpose of this chapter is to allow the proper integration into the town of uses which may be suitable only in certain locations in the Town, and only if such uses are designed or laid out on the site in a particular manner.

11.09.102: CONDITIONAL USE PERMIT:

A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations or elsewhere in this title. A conditional use permit may be revoked upon failure to comply with or failure to maintain conditions precedent to the original approval of the permit.

A. Application: Application for a conditional use permit shall be made by the property owner or certified agent thereof to the planning staff.

B. Considerations Of Conditional Use Procedure: The application shall be accompanied by maps, drawings, or other documents sufficient to meet the requirements of a site plan review for those conditional uses which require such a review, and sufficient to demonstrate that the general and specific requirements of this title will be met by the construction and operation of the proposed building, structure or use. In considering an application for a conditional use permit, the planning commission shall give due regard to the nature and condition of adjacent uses and structures. The commission may deny a permit; may grant a permit as applied for; or may grant a permit subject to such requirements and conditions with respect to location, construction maintenance, operation and duration of the proposed use as it may deem necessary for the protection of adjacent properties and the public interest. The granting of a conditional use permit shall not

exempt the application from other relevant provisions of this or other ordinances of the Town.

C. Fee: The appropriate fee as authorized in the Town's fee schedule shall accompany the application for any conditional use permit.

11.09.103: APPROVAL OF CONDITIONAL USE PERMIT:

A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

11.09.104: NOTIFICATION OF A CONDITIONAL USE:

At least seven (7) days prior to the planning commission meeting during which the conditional use will be considered by the commission, a designated agent shall publish a notice in a newspaper of general circulation stating the proposed or requested use, and the date, time and location of the planning commission meeting in which the conditional use will be considered.

11.09.105: APPEALS OF DECISION:

Any person shall have the right to appeal the decision of the planning commission to the Town Council. Such appeal shall be applied for within thirty (30) days from the date of the decision of the planning commission. Upon receipt of such appeal, the Town council shall respond within forty five (45) days.

11.09.106: INSPECTION:

Following the issuance of a conditional use permit by the planning commission, the planning director may approve an application for a building permit and shall ensure that development is undertaken and completed in compliance with said certificate and permit.

11.09.107: TIME LIMIT:

Unless the uses and conditions prescribed in a conditional use permit are implemented within a maximum period of one year of its issuance, the conditional use permit shall

expire. The planning commission may grant a maximum extension of six (6) months under exceptional circumstances. If the application is not approved, a reapplication shall not be submitted for the same purpose for a minimum period of twelve (12) months.

11.09.108: DETERMINATION AND CONSIDERATIONS:

The planning commission may allow a conditional use to be located in any zoning district in which the particular use is allowed as a conditional use by this title. In authorizing any conditional use, the planning commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare. The planning commission shall not authorize a conditional use permit unless the evidence presented is such as to establish that the proposed use:

- A. At the specified location, is in harmony with the general intent and purpose of the general plan and the applicable zoning district regulations;
- B. Is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood;
- C. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
- D. Conditions imposed by the planning commission shall be based upon options described in this chapter or any special conditions or requirements as may be specified elsewhere in this title.

11.09.109: STANDARDS FOR CONDITIONS:

Applicants for conditional use permits shall meet all specific requirements made in this title. In addition, the planning commission may establish conditions as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, comprehensive plan proposals and neighborhood needs, performance and administration. More specifically, the planning commission may require:

- A. Compliance: Conditions relating to compliance with the intent of the comprehensive plan and characteristics of the zoning district:
 - 1. The placement of conditional uses only in specific areas of a district, e.g., along an arterial or collector street.
 - 2. The removal of structures, debris or plant materials incompatible with the desired characteristics of the district.

3. The screening of yards or other areas as protection from obnoxious land uses and activities.
4. Landscaping in addition to that already required ensuring compatibility with the intended neighboring land uses.
5. Limitations or controls on the location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
6. The relocation of proposed or existing structures as necessary to provide for future streets on the master street plan, adequate sight distances for general safety, ground water control, or similar problems.
7. Provision for construction of recreational facilities necessary to satisfy needs of the conditional use.
8. Modification to allowed population density and intensity of land use where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare.
9. Other improvements which serve the property in question and which may compensate, in part or in whole, possible adverse impacts to the district from the proposed conditional use.

B. Safety: Conditions relating to safety for persons and property:

1. Building elevation and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potentially attractive nuisances existing on or adjacent to the property.
3. Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title, or where the lot abuts an arterial or collector street.
4. Appropriate design, construction and location of structures, buildings and facilities in relation to an earthquake fault which may exist on the property, and limitations and/or restrictions to use and/or location of use due to special site conditions, including, but not limited to, geologically hazardous areas, floodplains, fault zones, and landslide areas other than may be required by the sensitive lands regulations.

5. Limitations and control of the number, location, color, size, height, lighting and landscaping of signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.

6. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.

7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.

C. Health And Sanitation: Conditions relating to health and sanitation:

1. A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the town.

2. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the Town Council.

3. Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the Town.

D. Environment: Conditions relating to environmental concerns:

1. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.

2. Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors and noise.

3. The planting of ground cover or other surfacing to prevent dust and erosion.

4. Restructuring of the land and planting of the same as directed by the planning commission when the conditional use involves cutting and/or filling the land, and where such land would be adversely affected if not restructured.

11.09.110: CONDITIONS RELATING TO SPECIFIC TYPES OF USES:
(RESERVED)

CHAPTER 10 NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND

Section

- 11.10.101: MAINTENANCE PERMITTED
- 11.10.102: DETERMINATION OF NONCONFORMING BUILDINGS AND LAND USES
- 11.10.103: ALTERATION OR MODIFICATION TO NONCOMPLYING BUILDINGS AND STRUCTURES
- 11.10.104: NONCONFORMING USE OF LAND
- 11.10.105: NONCONFORMING USE OF BUILDINGS AND NONCOMPLYING STRUCTURES
- 11.10.106: CHANGE IN STATUS OF NONCONFORMING USE
- 11.10.107: ALTERATIONS OR MODIFICATIONS TO NONCONFORMING USES
- 11.10.108: RECONSTRUCTION OF PARTIALLY DESTROYED NONCOMPLYING BUILDINGS OR STRUCTURES
- 11.10.109: AMORTIZATION OF NONCONFORMING USES:

11.10.101: MAINTENANCE PERMITTED:

Except as otherwise provided in this title, a nonconforming use of land or a structure may be continued

11.10.102: DETERMINATION OF NONCONFORMING BUILDINGS AND LAND USES:

The board of adjustment shall determine all matters regarding the nonconforming use of buildings and land. Upon application, after public hearing on the matter, the board shall determine if the use of building is nonconforming with respect to the current provisions of this chapter. The planning staff may determine routine and uncontested requests to verify nonconforming uses and noncomplyng buildings and structures, as provided in the rules adopted by the board.

11.10.103: ALTERATION OR MODIFICATION TO NONCOMPLYING BUILDINGS AND STRUCTURES:

Noncomplying buildings and structures with respect to setbacks or height may be continued. Additions, enlargements or structural alterations may be made to the extent

that they comply with all requirements of this code. In addition, the board, may allow an enlargement or structural alteration, provided the changes are in harmony with the surrounding and in keeping with the intent of the general plan and this title. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility. If any such noncomplying building is removed, every future use of the land on which the building was located shall conform to the provisions of this title.

11.10.104: NONCONFORMING USE OF LAND:

A nonconforming use of land lawfully existing on the effective date hereof may be continued, provided such nonconforming use shall not be expanded or extended into any other open land, except as otherwise provided in this chapter. If the nonconforming use is discontinued for a continuous period of more than one year, it shall constitute an abandonment of the use and any future use of such land shall conform to the provisions of the zone in which it is located.

11.10.105: NONCONFORMING USE OF BUILDINGS AND NONCOMPLYING STRUCTURES:

The nonconforming use of a building lawfully existing on the effective date hereof may be continued and may be expanded or extended throughout such building or structure, provided no structural alterations, except those permitted by law, are proposed or made for the purpose of extension. The addition of a solar energy device to a building shall not be considered a structural alteration. If such nonconforming use is discontinued for continuous period of more than one year, it shall constitute an abandonment of the use and any future use of the building or structure shall conform to the provisions of the zone in which it is located.

11.10.106: CHANGE IN STATUS OF NONCONFORMING USE:

If a nonconforming use is abandoned, it may be succeeded, upon approval of the town planner, by an equally restrictive or more restrictive nonconforming use, provided such change is effected within one year from the first day of abandonment. After a change to a less intensive use occurs, the use may not change back to a more intensive use.

11.10.107: ALTERATIONS OR MODIFICATIONS TO NONCONFORMING USES:

A use, which has been declared nonconforming, shall not be enlarged or moved except as

provided in this section. The board, may allow an enlargement or modification, provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the general plan and this title. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility.

11.10.108: RECONSTRUCTION OF PARTIALLY DESTROYED NONCOMPLYING BUILDINGS OR STRUCTURES:

A nonconforming building or noncomplying structure destroyed in whole or in part, due to fire or other calamity, may be restored unless the structure or use has been abandoned. A nonconforming building or noncomplying structure may not be restored if:
The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six (6) months; or
The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

11.10.109: AMORTIZATION OF NONCONFORMING USES:

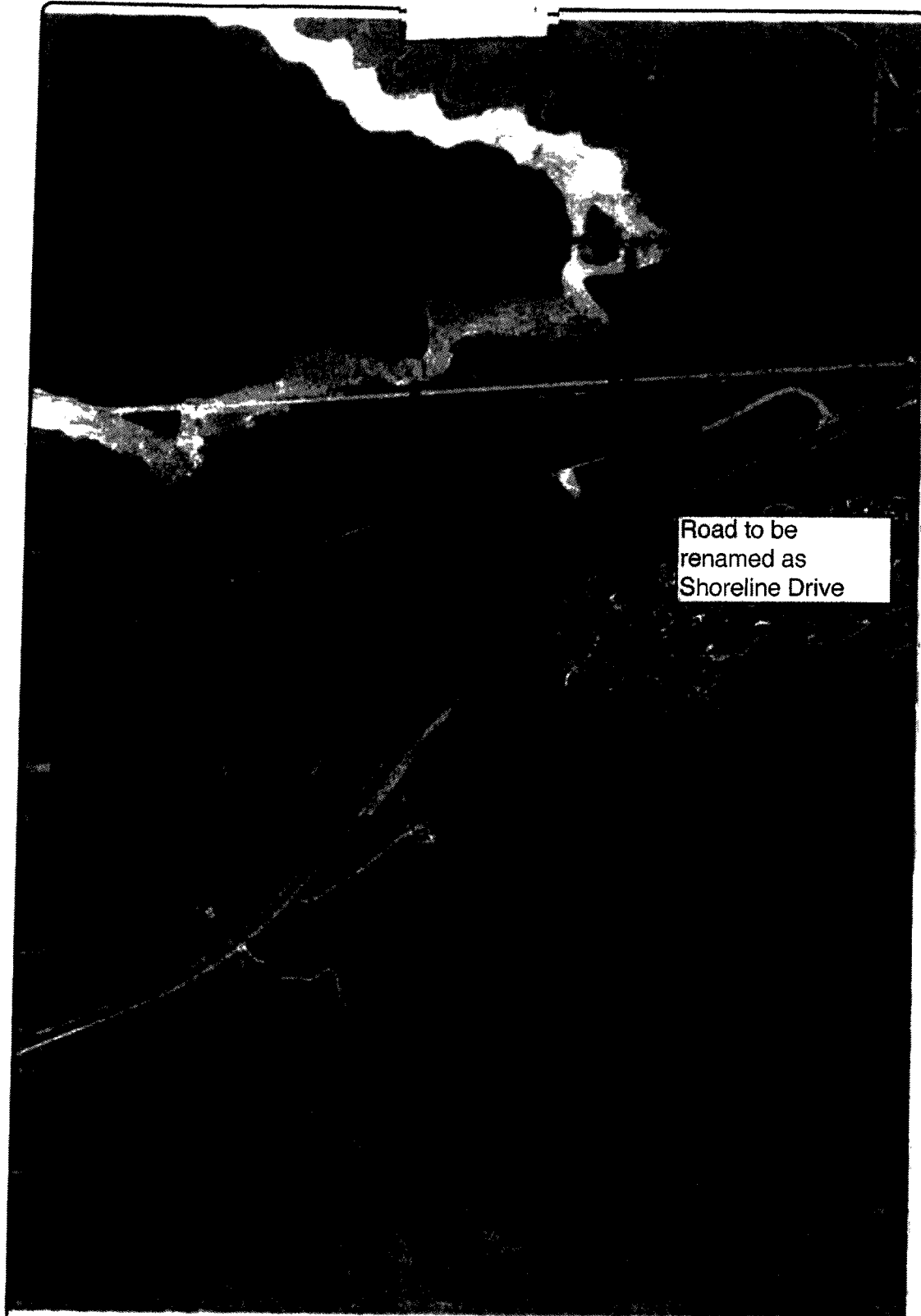
The board, under authorization of state statute, may provide for the timely modification or removal of a nonconforming use in order to comply with the general plan and zoning ordinance. The board may provide for a shorter time period by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of any investment in the nonconforming use or structure, if any.

CHAPTER 11
SENSITIVE LANDS

(RESERVED)

Exhibit D

"Exhibit D"



Road to be
renamed as
Shoreline Drive

<p>DATE: 10/11/2011 TIME: 10:11:28 AM</p>		<p>DEER WATER RESORT TOWN OF HIDEOUT, UTAH</p>	<p>DATE: 10/11/2011 TIME: 10:11:28 AM</p>	<p>JACKSON ENGINEERING 2078 S. HIGHLAND, LAUREL, UT 84123 SERVICES: SURVEYING, ENGINEERING, DESIGN PHONE: 1-801-226-2822</p>
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Exhibit E

A tract of land situate in the East 1/2 of Section and in the West 1/2 of the Southwest 1/4 of Section 8, Township 2 South, Range 5 East, Salt Lake Base and Meridian. The boundaries of said tract of land are described as follows:

Beginning at a point on the Westerly Right of Way and L/A Line of Highway US 189, 160.00 feet perpendicularly distant Westerly from the centerline of said Highway approximately opposite Engineer Station 185+66.20, which point is 3017.11 feet North 00°22'39" West along the Section line, and 460.13 feet West from the Southeast corner of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian; and running thence South 25°33'00" East 522.87 feet along said Highway Right of Way and L/A Line; thence South 27°08'13" East 361.07 feet to the Southerly Right of Way and L/A Line of "X" Line at a point 150.00 feet perpendicularly distant Westerly from the centerline of said Highway approximately opposite Engineer Station 194+50; and running along "X" line Access Road R/W Line the following 10 courses and distances; (1) South 64°27'00" West 95.18 feet; (2) South 16°32'01" East 292.79 feet; (3) South 27°51'49" East 128.70 feet; (4) Southerly 246.37 feet along the arc of a 1245.92 foot radius curve to the right (Note: Chord for said curve bears South 22°11'55" East for a distance of 245.97 feet); (5) South 16°32'00" East 494.45 feet; (6) South 73°28'00" West 150.15 feet; (7) North 16°30'16" West 287.93 feet; (8) North 33°04'10" West 419.52 feet; (9) North 27°51'49" West 362.18 feet; (10) Northerly 152.31 feet along the arc of a 410.82-foot radius curve to the right to the North line of Bureau of Reclamation property (Note: Chord for said 410.82 foot radius curve bears North 17°14'30" West for a distance of 151.44 feet; thence South 85°48'20" West 108.18 feet along said North line to the Prior West Right of Way and L/A line of US HWY 40; thence North 03°56'00" West 693.79 feet along said Prior West Right of Way and L/A line to a point of tangency with the arc of a 3709.72-foot radius curve to the left; thence Northerly 797.05 feet along the arc of said 3709.72-foot radius curve and Prior West Right of Way and L/A line to the existing Westerly Right of Way and L/A Line of said Highway US-189 to a point 160.00 feet perpendicularly distance Westerly from said Highway centerline approximately opposite Engineer Station 179+15.42 (Note: Chord for said 3709.72-foot radius curve bears North 09°58'38" West for a distance of 795.52 feet); thence South 25°33'00" East 572.05 feet along said Westerly Highway Right of Way and L/A line to a point designated as Point "A" at a point 160.00 feet perpendicularly distance Westerly from said Highway centerline approximately opposite Engineer Station 184+87.46; thence Southerly 278.25 feet along the arc of a 237.50-foot radius curve to the left (Note: Chord for said curve bears South 16°20'30" West for a distance of 262.61 feet); thence North 72°46'16" East 75.00 feet; thence Northerly 170.55 feet along the arc of a 162.50-foot radius curve to the right to a point designated as Point "B" (Note: Chord for said curve bears North 12°50'16" West for a distance of 162.83 feet) to the point of beginning.

Less and excepting therefrom any portion thereof located within the bounds of the following described property:

A parcel of land lying and situate in the East Half of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian.

Commencing at the Southeast Corner of said Section 7, thence North 00°19'58" West 2682.51 feet coincident with the east line of the Southeast Quarter of said Section 7; thence South 89°40'02" West 300.92 feet to a point on the west right of way line of State Road 248 and the True Point of Beginning; thence South 86°07'20" West 293.42 feet to a 3 1/2" BLM aluminum cap; thence North 03°52'40" West 160.74 feet to the beginning of a 3709.55 foot

non-tangent curve to the left; Thence northerly 797.06 feet along the arc of said curve (center bears South 86°14'01" West) through a central angle of 12°18'40" to a point on the west right of way line of said SR 248; Thence the following five (5) courses coincident with said right of way line 1) South 25°29'40" East 572.06 feet to the beginning of a 237.50 foot radius non-tangent curve to the left; 2) Southerly 278.25 feet along the arc of said curve (center bears South 40°02'21" East) through a central angle of 67°07'38"; 3) North 72°49'36" East 75.00 feet to the point of beginning of a 162.50 foot non-tangent curve to the right; 4) Northeasterly 170.55 feet along the arc of said curve (center bears North 72°49'34" East) through a central angle of 60°08'04"; 5) South 25°29'54" East 373.09 feet to the point of beginning.

Reserving to Grantor Jordanelle Special Service District the following:

A parcel of land for an Ingress/Egress Easement lying and situate in the East Half of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian. being a part of that particular parcel of land owned in fee by Jordanelle Special Services District, described in that certain Quit Claim Deed recorded June 29, 2001 as Entry 234700, In Book 510, at Page 574 of the Wasatch County Records. Basis of Bearing for subject being North 00°19'58" West 2736.86 feet (Measured) coincident with the East line of the Southeast Quarter of said Section 7. Subject parcel being more particularly described as follows:

Commencing at the Southeast Corner of said Section 7, thence North 00°19'58" West 2736.86 feet coincident with the east line of said Southeast Quarter Section to the East Quarter Corner thereof; Thence North 77°06'37" West 376.94 feet to a point on the southerly right of way line of SR-248 (A.K.A. UDOT Project Number NF-61); Thence South 72°49'36" West 169.82 feet; Thence South 19°22'57" East 99.89 feet; Thence South 02°22'19" East 54.74 feet to the True Point of Beginning; thence South 28°57'11" East 300.07 feet; Thence North 64°30'20" East 185.37 feet to a point on the westerly right of way line of SR-248; Thence South 27°04'53" East 60.54 feet coincident with said right of way; Thence Southerly 356.67 feet along the arc of a 230.82 foot radius curve to the left (center bears South 29°16'23" East) through a central angle of 88°32'04"; Thence South 62°11'32" West 52.57 feet; Thence northerly 238.48 feet along the arc of a 2030.00 foot radius curve to the right (center bears North 67°05'47" East) through a central angle of 06°43'52"; Thence North 28°57'11" West 435.19 feet; Thence South 68°12'32" East 94.82 feet to the point of beginning.