

COUNTY MANAGER



THOMAS C. FISHER

October 12, 2020

By email only: Mayor@hideoututah.gov, dheavrin@hideoututah.gov, jwahl@hideoututah.gov,
hantz@hideoututah.gov, kshadle@hideoututah.gov, chris@hideoututah.gov

The Honorable Mayor, Philip Rubin
Town of Hideout Council
10860 North Hideout Trail
Hideout, Utah 84036

Re: Hideout's Annexation of Lands Located in Summit County

To the Town of Hideout Leadership:

Pursuant to Utah Code § 10-2-418, this letter is written as Notice of Summit County's official objections to the proposed annexation of lands located within Summit County into the Town of Hideout. Summit County's objections are based on its status as an owner of lands being annexed and as a governmental entity which, in both cases, has been deprived of all due process in the annexation proceedings.

Our lack of consent and the many, many legal issues associated with this proposal are well documented in Summit County v. Town of Hideout, Case No. 200500072 Fourth District Court, Judge Jennifer Brown presiding, Summit County v. Brockbank, et al., Case No. 200500346 and Summit County v. Stichting Mayflower Recreational Fonds, et al., Case No. 200500072, Judge Richard Mrazik presiding. We incorporate by reference the pleadings and legal briefs on file in those cases into the public record here. Hideout's Town Attorney and litigation counsel, as well as many Town Council Members, have been attending all of the hearings in those cases and we know the Town is well aware Summit County's claims and objections.

Summit County acknowledges that the Town of Hideout has very difficult and heretofore intractable problems to resolve. As we have consistently offered, Summit County would like to be part of a more regional discussion among our common regional partners that could lead to more effective and less offensive solutions to those problems. The issues are complex: the existence of the EPA's Administrative Order on Consent on lands on and adjacent to the annexation area, the complete lack of existing services in the area, physical access to the area, traffic and transportation concerns, and existing vested entitlements already in the region cause great concern.

The Town's proposal to create a non-contiguous town in two counties and two school districts with a large number of residential entitlements is concerning enough. Add to those concerns the fact that under

normal statutory processes, Summit County could have asked that the matter be sent to the Boundary Commission for a feasibility study or could have refused consent without a thorough feasibility study. Obviously because the proposed annexation is within Summit County's jurisdiction, the impacts and costs of this proposal should not and cannot be borne by the residents of Summit County.

Tonight (October 12, 2020) is the first time a public hearing has been held on the current proposal. At no time has a copy of the proposed Annexation Master Development Agreement anticipated by the Pre-Annexation Agreement entered into by the Town on September 10, 2020, which is purported to address the specific zoning and land use regulations, been made available to Summit County or to the public.

Notwithstanding the above, we believe that regional problem-solving will result in effective regional solutions that will serve the long-term best interests of Wasatch back residents. But those solutions will not be found with this hostile, rushed annexation which will forever carry the taint of its ill-gotten means.

We implore the Town Council and Mayor to take a step back and to do the right thing. Working with Summit County as well as regional partners Wasatch County, MIDA and Park City is the right thing to do for the health and wellbeing of all the citizens of the Wasatch Back. Working with Summit County, rather than forcing the County to resolve these problems in Court, is the right thing to do.

Litigation is expensive, time consuming, and risky: someone will lose and someone will win. We are hopeful as a County that we can find a win-win solution by working together to regionally plan this area and help you solve Hideout's problems and needs.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Fisher", is written over the printed name.

Thomas C. Fisher
County Manager

c: Summit County Council (countycouncil@summitcounty.org)