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Summit County accuses Hideout of contempt of court in latest legal attempt to stop annexation

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Summit County has accused Hideout of contempt of court in its latest legal filing, this one attempting to stop Hideout's latest annexation attempt. Summit County contends that the two annexations are materially the same and that the court's order should extend to the new annexation as well.

Tanzi Propst/Park Record

Summit County is accusing Hideout of violating a court order to cease annexation activities, the county's legal response to the town's latest attempt to annex hundreds of undeveloped acres in Richardson Flat.

Hideout has repealed or rescinded the documents that undergirded its previous annexation attempt and passed new versions of them in what it's characterizing as a new, separate annexation from the one it initiated in July and later abandoned.

The new annexation includes 350 acres in Richardson Flat, compared to 655 in the original attempt. The developers hoping to build on the land said they opted to downsize the project size to avoid fighting simultaneous legal battles with Park City and Summit County.

In court filings Monday, the county contends that the two annexations are substantively the same and that a 4th District Court injunction bars the town from pursuing Summit County lands related to the previous annexation attempt. The county also says the town's agreement with the developer that accompanies the latest attempt is "identical" to the previous agreement, which formed the basis for the court's order, and that the town's latest "machinations" are an attempted end-run around the court's order.

Both annexation attempts are meant "to unilaterally shoehorn a massive commercial development into a hotly contested corner of Summit County," the filing states.

Neither the town's attorney nor the trial lawyers it hired to combat the litigation from Summit County immediately responded to requests for comment.

Hideout is attempting to annex undeveloped land in Richardson Flat so that developer Nate Brockbank can build a new town center there, including commercial services town officials say Hideout residents need and have limited access to.

Hideout is in Wasatch County and the land is in Summit County. The move would have historically required Summit County's approval, but the state Legislature passed a law in March allowing this type of annexation, legislation that has since been repealed.

Summit County and Park City – which recently joined a separate suit against the developers – have long planned the land to be used for very low density residential development or protected as open space.

Hideout officials say regional planning has not provided the commercial resources like grocery stores and gas stations that the town's current population needs, much less for the population boom that is expected as the thousands of approved residential units around the Jordanelle Reservoir begin to be built in coming years.

Officials from Summit and Wasatch counties dispute that claim and point to several commercial areas planned around the reservoir that have not yet been built.

The town is hemmed in by Summit County and would have to grow across its borders, Hideout officials have said.

Park City and Summit County leaders, meanwhile, contend that the town should approve commercial areas within its own borders and that it is undertaking a land grab using tailor-made, secretive legislation while subverting the public process.

There has been no meaningful public comment on the proposed development. A public hearing required for the first annexation was derailed by technical failures, essentially scuttling that annexation attempt. The public hearing required for this annexation is scheduled Oct. 12.

Summit County requests that Judge Jennifer Brown hold Hideout in contempt of court for violating the injunction she granted earlier this month and requests unspecified sanctions against the town.

Brown imposed an injunction against the first annexation attempt, prohibiting Hideout from pursuing any annexation of property based upon a July 9 pre-annexation agreement the town signed with Brockbank.

That agreement has since been rescinded, and the sides appear to disagree about whether the injunction covers the new annexation attempt, as well.

In her ruling, Brown said she was unable to prohibit the town from pursuing future annexations of land in Summit County, but acknowledged that any further move to annex land would likely also be disputed in court.

The county requests a hearing for Hideout to show cause that it did not violate the injunction. Such a hearing had not been scheduled as of midday Tuesday.

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