



HIDEOUT, UTAH PLANNING COMMISSION REGULAR MEETING AND PUBLIC HEARINGS (RESCHEDULED)

February 26, 2024

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Hideout, Utah will hold its Rescheduled Regular Meeting and Public Hearings electronically and in-person at Hideout Town Hall, located at 10860 N. Hideout Trail, Hideout Utah, for the purposes and at the times as described below on Monday, February 26, 2024.

All public meetings are available via ZOOM conference call and YouTube Live.

Interested parties may join by dialing in as follows:

Zoom Meeting URL: <https://zoom.us/j/4356594739>
To join by telephone dial: US: +1 408 638 0986 **Meeting ID:** 435 659 4739
YouTube Live Channel: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Regular Meeting and Public Hearings

6:00 PM

- I. Call to Order
 - II. Roll Call
 - III. Agenda Items
 1. Swearing in of reappointed Planning Commissioners whose terms expired January 1, 2024
 2. Announcement and swearing in of Joel Pieper as a regular voting member of the Planning Commission
 3. [Consideration of establishing the 2024 Planning Commission Regular Meeting Schedule](#)
 - IV. Approval of Meeting Minutes
 1. [October 19, 2023 Planning Commission Minutes DRAFT](#)
 2. [November 2, 2023 Planning Commission Minutes DRAFT](#)
 - V. Public Hearings
 1. [Consideration and recommendation to the Hideout Town Council regarding a proposed lot combination of Hideout Canyon lots 41 and 42](#)
 2. [Consideration and recommendation to the Hideout Town Council regarding an amendment of the Master Development Agreement \(MDA\) for Deer Springs allowing short-term rentals in Phases 2A, 2B, 4, and 8](#)
 3. [Consideration and recommendation to the Hideout Town Council regarding an amendment of the Resort Specially Planned Area \(RSPA\) zoning district to allow specified public facilities as conditional uses within the RSPA zone](#)
 4. Discussion and recommendation to the Hideout Town Council of an Ordinance regarding updates, technical corrections, and amendments to Hideout Municipal Code Titles 10, 11, and 12
 - VI. Meeting Adjournment
-

File Attachments for Item:

3. Consideration of establishing the 2024 Planning Commission Regular Meeting Schedule

**2024 ANNUAL MEETING SCHEDULE FOR THE MEETINGS OF THE
PLANNING COMMISSION OF HIDEOUT UTAH**

Pursuant to §52-4-202 of the Utah Code, the Town of Hideout hereby gives notice that the Hideout Planning Commission will generally hold its regular Planning Commission meetings for the 2024 calendar year on the third Thursday of each month. The regular meetings generally begin at 6:00 pm and are held electronically via Zoom and in-person at Hideout Town Hall, located at 10860 N. Hideout Trail, Hideout Utah, 84036 unless otherwise noticed.

January 18, 2024	July 18, 2024
February 15, 2024	August 15, 2024
March 21, 2024	September 19, 2024
April 18, 2024	October 17, 2024
May 16, 2024	November 21, 2024
June 20, 2024	December 19, 2024

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File Attachments for Item:

1. October 19, 2023 Planning Commission Minutes DRAFT

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Minutes
Town of Hideout Planning Commission
Regular Meeting and Continued Public Hearing
October 19, 2023
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Continued Public Hearing on October 19, 2023 at 6:00 PM in person and electronically via Zoom meeting.

Regular Meeting and Public Hearing

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:03 PM. All attendees were present both in person and electronically.

II. Roll Call

Present: Commissioner Rachel Cooper
Commissioner Glynnis Tihansky
Commissioner Donna Turner

Attending Remotely: Chair Tony Matyszczyk
Commissioner Joel Pieper (alternate)

Excused: Commissioner Jonathan Gunn
Commissioner Peter Ginsberg (alternate)

Staff Present: Alicia Fairbourne, Recorder for Hideout

Staff Attending Remotely: Cameron Platt, Town Attorney
Jan McCosh, Town Administrator
Thomas Eddington, Town Planner
Timm Dixon, Director of Engineering
Kathleen Hopkins, Deputy Recorder for Hideout

Public Present: Jenni Hogan, Ryan Sapp, Brian Cooper, Katie Wilking and Jill Schneider

Public Attending Remotely: Brian Ameriage, Don Bloomenthal, Karleen Callahan, Nelson Faerber, Jim Gruber, David Halsch, Justin Keys, David Lawson, Carla and Mark Mathiesen, Kristi Nuelle, Greg McIntire, John Pickett, Michael Poon, Garth Reucassel, David Salzman, Damian Taitano, Jack Walkenhorst and others who may not have signed in using proper names in Zoom.

1 **III. Approval of Meeting Minutes**

2 **1. September 21, 2023 Planning Commission Minutes DRAFT**

3 There were no comments on the September 21, 2023 draft minutes.

4 *Motion: Commissioner Tihansky made the motion to approve the September 21, 2023 Planning*
5 *Commission Minutes. Commissioner Turner made the second. Voting Yes: Commissioner*
6 *Cooper, Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner*
7 *Turner. Voting No: None. Absent from Voting: Commissioner Ginsberg and Commissioner*
8 *Gunn. The motion carried.*

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10 **IV. Public Hearings**

11 **1. Discussion and possible recommendation to Town Council regarding a Master**
12 **Development Agreement (MDA) regarding the Bloom in Hideout Development**

13 Town Planner Thomas Eddington reviewed the Bloom at Hideout project which was last presented to
14 the Planning Commission in June 2023, and he noted a working group including Commissioners
15 Jonathan Gunn and Glynnis Tihansky, Town Attorney Polly McLean and himself had been working
16 on the draft Master Development Agreement (MDA). Mr. Eddington noted the application had been
17 withdrawn by the applicants in July 2023, was resubmitted on September 25, 2023 and presented to
18 Town Council for feedback at its October 2023 meeting and had been remanded back to Planning
19 Commission.

20
21 Mr. Eddington summarized the proposed zoning changes for the 70-acre parcel (currently zoned
22 Mountain), which included a mix of Neighborhood Mixed Use (NMU) zoning for the hotel and
23 commercial development, Residential 3 (R-3) for the detached single-family homes and Residential 6
24 (R-6) for townhomes and cabins, and Natural Preservation (NP) zone for open space, park, and
25 amphitheater areas. He reminded the Planning Commissioners the rezone application did not include
26 the western parcel with the existing home and noted that the project had been revised slightly since
27 June, reducing the overall number of proposed units from approximately 239 to 217. He noted the
28 cabins (formerly labeled “casitas”) had been consolidated into one area rather than being scattered
29 throughout the site, and some of the single-family home lots had been eliminated. Mr. Eddington also
30 noted the previously discussed Residential Casita zoning designation would not be necessary for the
31 cabins which fit within existing R-6 zoning.

32
33 Applicants Jenni Hogan and Ryan Sapp discussed the revised concept and phasing plans, and
34 introduced their real estate partners, Katie Wilking and Jill Schneider with Berkshire Hathaway who
35 would be leading efforts to identify commercial tenants. They presented slides with maps showing the
36 specific zoning and land use proposals. The 40-acre parcel with the existing house would remain zoned
37 Mountain. Ms. Hogan noted the cabin concept would be similar to that of Victory Ranch and would
38 fit within the existing R-6 zoning.

39 Ms. Hogan discussed several items within the draft MDA which were still were under discussion,
40 including the standards for the hotel partner, requirements for a standalone restaurant if the hotel
41 partner would not include an on-site restaurant, plans for the commercial development in Phase 1, and
42 terms for a monetary contribution to the Town to be negotiated with Town Council.

43 Commissioner Tihansky noted the draft MDA included provisions for Nightly Rentals which could be
44 addressed in this agreement rather than through a Town Ordinance, based on new state legislation.

1 The Planning Commissioners asked several questions regarding the ratio of commercial development
2 relative to residential development, total commercial development, ownership of the cabin resort,
3 limitations on flat roofs, height restrictions, and the types of hotel and commercial tenant partners
4 desired.

5 Chair Matyszczuk asked for more information on the expected hotel partner. Ms. Hogan responded it
6 was premature to announce a firm commitment from this partner prior to approval of the zoning
7 change. Mr. Justin Keys, attorney for the Applicants, suggested the MDA contain language on the type
8 of an acceptable hotel, rather than locking in a specific partner at this stage. He noted the specific hotel
9 approval would come before the Planning Commission at a later date, when specific terms would be
10 negotiated.

11 Town Attorney Cameron Platt noted the rezone request had not been noticed for this meeting, so would
12 need to be considered at a future meeting. Discussion ensued regarding scheduling a special meeting
13 and public hearing prior to the regular November meeting to consider both a final version of the MDA
14 and the rezone application.

15 Chair Matyszczuk asked if all water rights had been secured for the project. Mr. Sapp responded they
16 had identified availability of water rights for purchase, and the MDA included language that at each
17 phase of the project, sufficient water rights would be turned over to the water district and properly
18 recorded. Mr. Sapp noted the earlier discussions regarding potential use of the existing well on the
19 western parcel would not move forward, so all water would be sourced separately. He also stated the
20 team would not close on any water purchase prior to the plan being approved.

21 Chair Matyszczuk stated he was not comfortable approving the MDA in its current draft form and
22 without Commissioner Gunn and Ms. McLean in attendance to share their feedback from the working
23 group.

24 There being no further questions from the Planning Commissioners, the Public Hearing was opened
25 at 7:31 PM.

26 Mr. Garth Reucassel, property owner in Soaring Hawk, stated the proposed commercial development
27 was needed in the Town and the developer seemed to be working to provide this to the community.
28 He was disappointed to hear the current discussion.

29 Mr. Don Blumenthal and Ms. Karleen Callahan, Soaring Hawk residents, stated they would like to see
30 the project move forward, liked the commercial development proposed which would increase the
31 Town's tax base and were supportive of the cabin resort which could accommodate overflow guests.

32 Mr. John Pickett, Soaring Hawk resident, stated he appreciated the proposed project's commitment to
33 preservation of open space, the lower density than the prior developer's proposal, and the plan for
34 commercial development early in the project which would benefit all Hideout residents.

35 Mr. David Lawson, property owner of lots in Soaring Hawk and Reflection Ridge, stated he had known
36 and worked on projects with Mr. Sapp for twenty years, and had lived in the Retreat for ten years. He
37 was supportive of the project, particularly the commercial and hotel component.

38 Carla and Mark Mathieson, Golden Eagle property owners, stated they had followed this development
39 proposal throughout the process and felt the developers had been very open and willing to discuss
40 issues with area homeowners and the Town. As future full-time residents of Hideout, they stated they
41 are supportive of the project, particularly the commercial development.

42

1 Mr. Brian Ameriage, Reflection Lane property owner, stated he strongly supported the project, and
2 believed the developers were responsible and had a beautiful vision for the property. He stated he was
3 disappointed with the process and the degree of intervention and interference from the Town on a
4 project that was desperately needed.

5 Mr. Jim Gruber, Deer Waters resident, expressed his support for the project, and stated the developers
6 had worked hard to meet the metrics set for the development.

7 Mr. Greg McIntire, Golden Eagle property owner, stated he had been involved in the survey of Golden
8 Eagle landowners which was presented to the Town's Economic Development Committee regarding
9 this project. He stated he and 65% - 75% of the people behind this subdivision were supportive of the
10 project. He noted the developers had listened to community concerns regarding light and noise from
11 the amphitheater and concerns with nightly rentals. He shared his concerns about the Town's fiscal
12 health which he felt this project could help improve.

13 Mr. David Halsch, Forevermore Court. resident, stated he would have a view of the project from his
14 home, and was supportive of the developers' commitment to preserving the land and views while
15 providing new revenue to the Town. He stated Hideout residents would support a neighborhood
16 restaurant and events at the amphitheater. He added the hotel operator would need to go through a
17 design review and approval process in the future, and he was supportive of the vision presented by the
18 developers.

19 Mr. Michael Poon, Reflection Lane lot owner, stated he was disappointed with the process and felt the
20 Planning Commission should be representing the Town's interest, and that the developers had been
21 responsive.

22 Mr. Brian Cooper, Shoreline resident, noted his wife is Planning Commissioner Rachel Cooper, and
23 that compared with the previous proposal for this property, he felt the applicants had addressed all the
24 issues raised and were proposing a better infrastructure plan for the Town. He understood why the
25 developer could not finalize a hotel partner prior to rezoning approval and suggested the MDA include
26 flexibility regarding the hotel and restaurant.

27 There being no further public input, the Public Hearing was closed at 8:09 PM.

28 Discussion ensued regarding a date for a Special Meeting and Public Hearing to include the MDA and
29 rezoning application.

30
31 ***Motion: Commissioner Tihansky moved to re-notice the Rezoning application consideration and***
32 ***continue the consideration of the MDA recommendation to a Special Meeting on November 2, 2023***
33 ***at 6:00 PM. Commissioner Cooper made the second. Voting Yes: Commissioner Cooper, Chair***
34 ***Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No:***
35 ***None. Absent from Voting: Commissioner Ginsberg and Commissioner Gunn. The motion carried.***

1 **VI. Meeting Adjournment**

2 There being no further business, Chair Matyszczyk asked for a motion to adjourn.

3 *Motion: Commissioner Tihansky moved to adjourn the meeting. Commissioner Cooper made the*
4 *second. Voting Yes: Commissioner Cooper, Chair Matyszczyk, Commissioner Pieper, Commissioner*
5 *Tihansky and Commissioner Turner. Voting No: None. Absent from Voting: Commissioner*
6 *Ginsberg and Commissioner Gunn. The motion carried.*

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8 The meeting adjourned at 8:12 PM.

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Kathleen Hopkins
Deputy Recorder for Hideout

DRAFT

File Attachments for Item:

2. November 2, 2023 Planning Commission Minutes DRAFT

Minutes
Town of Hideout Planning Commission
Special Meeting and Public Hearing
November 2, 2023
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Special Meeting and Public Hearing on November 2, 2023 at 6:00 PM in person and electronically via Zoom meeting.

Regular Meeting and Public Hearing

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:01 PM. All attendees were present both in person and electronically.

II. Roll Call

Present: Commissioner Jonathan Gunn
Commissioner Joel Pieper (alternate)

Attending Remotely: Chair Tony Matyszczyk
Commissioner Rachel Cooper
Commissioner Glynnis Tihansky
Commissioner Donna Turner

Excused: Commissioner Peter Ginsberg (alternate)

Staff Present: Alicia Fairbourne, Recorder for Hideout
Kathleen Hopkins, Deputy Recorder for Hideout

Staff Attending Remotely: Polly McLean, Town Attorney
Thomas Eddington, Town Planner
Timm Dixon, Director of Engineering

Public Present: Katie Wilking and Jill Schneider

Public Attending Remotely: Jenni Hogan, Ryan Sapp, Justin Keys, Patricia Bidwill, Murray Gardner, John Greer, Jim Gruber, Greg McIntire, Greg Miner, Ed O'Rourke, Bret Rutter, David Salzman, Sydney Whidden, Jack Walkenhorst, and others who may not have signed in using proper names in Zoom.

1 **III. Public Hearings**

- 2 **1. Discuss and possibly make a recommendation to Town Council regarding a**
3 **Master Development Agreement (MDA) regarding the Bloom in Hideout**
4 **Development, which would include nightly rentals in zoning districts that do not**
5 **currently allow for nightly rentals. Additionally, allowances for architecture**
6 **and/or roof designs that are not currently allowed per Town’s current zoning**
7 **ordinances may be included.**

8
9 Town Attorney Polly McLean reported she was in the process of researching whether a new state
10 statute would allow for a rezone approval to be included in the Master Development Agreement
11 (MDA) for this development. In the meantime, she suggested the Rezone application and MDA be
12 considered separately, and advised the Planning Commission that an approval of the rezoning request
13 could be conditioned upon the approval of the MDA. She also stated the Town Council could wrap
14 the rezone application into the MDA when it considered the matter.

15 Commissioner Jonathan Gunn asked questions on the draft MDA regarding provisions for short term
16 rentals, terms for allowable flat roofs in building design and the phasing schedule for the commercial
17 development. Commissioner Glynnis Tihansky asked whether roads would be public or private.
18 Thomas Eddington, Town Planner, noted the applicant was proposing a Public Infrastructure District
19 (PID) to finance a portion of the infrastructure, which would require dedication of certain roads to the
20 Town. He stated the Town Council and Economic Development Committee would work out the details
21 on which roads would be dedicated to the Town, and the responsibilities of the applicant and the Town
22 for ongoing road maintenance. Ms. McLean provided a short overview of the PID which was a
23 structure to finance public infrastructure, similar to issuance of bonds, but which would ultimately be
24 repaid by the developer and future residents of the subdivision. She noted this would be the first PID
25 structure utilized in Hideout and would require a specialist law firm to create the structure.

26 Commissioner Rachel Cooper asked about the open space and previously proposed parking near the
27 amphitheater. Ms. Jenni Hogan, Applicant, responded the location of the amphitheater was now within
28 the commercial area where parking and public transport would be located. Mr. Eddington noted the
29 location of walking trails to the amphitheater. Mr. Sapp also noted the amphitheater was smaller than
30 originally proposed and was designed for residents to walk or bike to the venue, and shared parking
31 in the commercial area would be available.

32 Commissioner Joel Pieper asked if the developers had considered a donation of land to the Town in
33 lieu of a monetary contribution. Ms. Hogan noted the placeholder for a monetary contribution would
34 be discussed with Town Council, and she was open to consideration of a land contribution.

35 Commissioner Donna Turner asked about the road near the amphitheater. Ms. Hogan responded this
36 was a secondary access road easement to the western parcel, although there were no plans for
37 development of that parcel.

38 Chair Matyszczyk asked about the timing for a restaurant relative to the hotel opening. Ms. Hogan
39 responded this was still under discussion and noted the difficulties in coordinating the completion of
40 a restaurant and hotel if these were different partners. She requested the MDA be flexible enough for
41 the developers to attract commercial partners without too many restrictions.

42 Commissioner Gunn asked about the proposed commercial phasing plan. Ms. Hogan stressed the
43 importance of commercial development in the plan, and noted the phasing schedule considered the
44 infrastructure work which would be needed before the commercial pads could be built.

1 Ms. Hogan noted several items in the draft MDA with which her team had outstanding questions, and
2 noted they just received the current draft that day. Ms. McLean noted her suggestion had been included
3 late in the process, and suggested these issues be discussed offline, and included as conditional
4 approval in a recommendation to Town Council. Regarding Section 5.6, Ms. McLean agreed to
5 remove this from the draft MDA, and possibly discuss it later with Town Council.

6 There being no further questions from the Planning Commissioners, the Public Hearing was opened
7 at 6:49 PM.

8 Mr. Bret Rutter, Glistening Ridge resident, asked about the timing of the retail, restaurant and hotel,
9 and whether the restaurant would be part of the hotel. Ms. Hogan responded the hotel was planned for
10 60 rooms and may not include a restaurant. She noted the intention was to develop a separate restaurant
11 near the hotel which could open prior to the hotel. Mr. Rutter hoped the restaurant and other
12 commercial development would come as soon as possible.

13 Mr. Jim Gruber, Deer Waters resident, thanked the Planning Commission for watching out for the
14 Town's best interest, and the Applicants for working with the Planning Commission throughout the
15 process.

16 Ms. Patricia Bidwill, Golden Eagle property owner, shared her confusion with this process and the
17 protocols which the Town followed, and asked how best to stay informed. Ms. McLean noted the
18 process was public, with agendas, minutes and meeting materials all publicly posted. Commissioner
19 Pieper suggested getting involved with various committees and participating in public meetings.
20 Commissioner Gunn noted the complexity of the process to approve a new development, the many
21 changes made throughout the process, and stated the approval of a new development was much more
22 complex than building a single home. Commissioner Pieper noted this Special Meeting had been
23 scheduled on a short time frame to accommodate the Applicant, and the Planning Commissioners were
24 also just seeing the draft MDA at this meeting, but he felt the discussion was going well. Commissioner
25 Tihansky suggested Ms. Bidwill read the Town's Master Plan which was included on the Town's
26 website.

27 There being no further public comment, the Public Hearing was closed at 7:05 PM.

28
29 *Motion: Commissioner Tihansky moved to recommend to Town Council the draft Master*
30 *Development Agreement for the Bloom in Hideout Development as discussed at this meeting and*
31 *with conditions to be finalized by Town Council including Sections 2.9, 3.5.4, and 5.5; and not to*
32 *include Section 5.6; and subject to mutually agreeable language on the issues discussed.*
33 *Commissioner Gunn made the second. Voting Yes: Commissioner Cooper, Commissioner Gunn,*
34 *Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner.*
35 *Voting No: None. Absent from Voting: Commissioner Ginsberg. The motion carried.*

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37
38 **2 Discuss and possible recommendation to Town Council regarding an amendment**
39 **of the Official Town of Hideout Zoning Map to rezone parcels 00-0020-8182 and**
40 **00-0020-8184 (the "Bloom in Hideout" Development) from Mountain (M) zone to**
41 **Neighborhood Mixed Use (NMU), Residential 3 (R3), Residential 6 (R6), Mountain**
42 **Residential (MR), and Natural Preservation (NP).**
43

1 Mr. Eddington reviewed the proposed zoning changes for the 72-acre parcel (currently zoned
2 Mountain), which included a mix of Neighborhood Mixed Use (NMU) zoning for the hotel and
3 commercial development, Residential 3 (R-3) for the detached single-family homes and Residential 6
4 (R-6) for townhomes and cabins, and Natural Preservation (NP) zone for open space, park, and
5 amphitheater areas. He noted this item would be folded into the MDA approval if possible, otherwise
6 it could be approved separately, and conditionally if the MDA was also approved.

7 In response to a question from Commissioner Cooper regarding whether the amphitheater should be
8 zoned as NP, Ms. Hogan noted it was reasonable to include it in the NMU zoning given its location
9 within the commercial area.

10 The Public Hearing was opened at 7:13 PM.

11 Mr. Ed O'Rourke, property owner in Soaring Hawk, asked about hours of operation for events at the
12 amphitheater and if there would be noise curfews. Chair Matyszczyk responded these items would be
13 addressed through Town Ordinance and this public hearing was limited to comments regarding the
14 zoning change.

15 There being no further public comment, the Public Hearing was closed at 7:15 PM.

16
17 ***Motion: Commissioner Gunn moved to make a positive recommendation to Town Council***
18 ***regarding an amendment of the Official Town of Hideout Zoning Map, subject to approval of the***
19 ***Bloom in Hideout MDA, to rezone parcels 00-0020-8182 and 00-0020-8184 (the "Bloom in***
20 ***Hideout" Development) from Mountain (M) zone to Neighborhood Mixed Use (NMU),***
21 ***Residential 3 (R3), Residential 6 (R6), Mountain Residential (MR), and Natural Preservation***
22 ***(NP). Commissioner Cooper made the second. Voting Yes: Commissioner Cooper, Commissioner***
23 ***Gunn, Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner***
24 ***Turner. Voting No: None. Absent from Voting: Commissioner Ginsberg. The motion carried.***

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26 **VI. Meeting Adjournment**

27 There being no further business, Chair Matyszczyk asked for a motion to adjourn.

28 ***Motion: Commissioner Tihansky moved to adjourn the meeting. Commissioner Gunn made the***
29 ***second. Voting Yes: Commissioner Cooper, Commissioner Gunn, Chair Matyszczyk, Commissioner***
30 ***Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from Voting:***
31 ***Commissioner Ginsberg. The motion carried.***

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33 The meeting adjourned at 7:17 PM.

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39 Kathleen Hopkins
Deputy Recorder for Hideout

File Attachments for Item:

1. Consideration and recommendation to the Hideout Town Council regarding a proposed lot combination of Hideout Canyon lots 41 and 42



Staff Review of Proposed Subdivision Amendment (Lot Combination) for the Planning Commission

To: Chairman Tony Matyszczyk
Town of Hideout Planning Commissioners

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Hideout Canyon – Phases 2 & 4 – Lots 41 and 42 Combination

Date: February 16, 2024

Submittals: The Applicant submitted the following plans:

- *Subdivision Amendment Application dated January 17, 2024*
 - *Survey dated January 18, 2024*
 - *Proposed Subdivision Plat*
 - *HOA CC&Rs*
 - *HOA Design Guidelines*
-

Overview of Current Site Conditions

Site Area: Lot Size for Lot 41: +/- 0.50 acres
Lot Size for Lot 42: +/- 0.50 acres
Total Size of Proposed Lot 42A: 46,331.7 acres

Zoning: Residential Specially Planned Area (RSPA) and within a
Residential Single Family Density Pod (RSF)

Required Setbacks: NA (none) per the Zoning Ordinance; the HOA DRC reviews
setbacks

Per the Plat:
Front: 10'-0" Public Utility Easement
Sides: 10'-0" Public Utility Easement (each side)
Rear: 10'-0" Public Utility Easement

Max Height: The RSPA Zoning District does not have building heights specifically
referenced. For comparison purposes, the height allowance in the

4. No additional square feet are requested or approved for the existing house.
5. The Applicant must adhere to all requirements of the Master HOA, including Design Review Committee (DRC) requirements.
6. The Applicant, in cooperation with the Town, must verify that no utility lines exist in the Public Utility Easement (PUE) that currently separates Lot 42 and Lot 41 (10'-0" on either side of lot line for a total width of 20'-0" wide). If utilities currently exist, the PUE must remain in place. If no utilities currently exist, the PUE may be abandoned in coordination with the Town Engineer.

Recommendation

Staff recommends the Planning Commission review the proposed Subdivision Amendment to combine two lots into one larger lot and favorably recommend the proposal to the Town Council with the conditions outlined in this report and those of the Town Engineer.

Exhibit A Existing Conditions

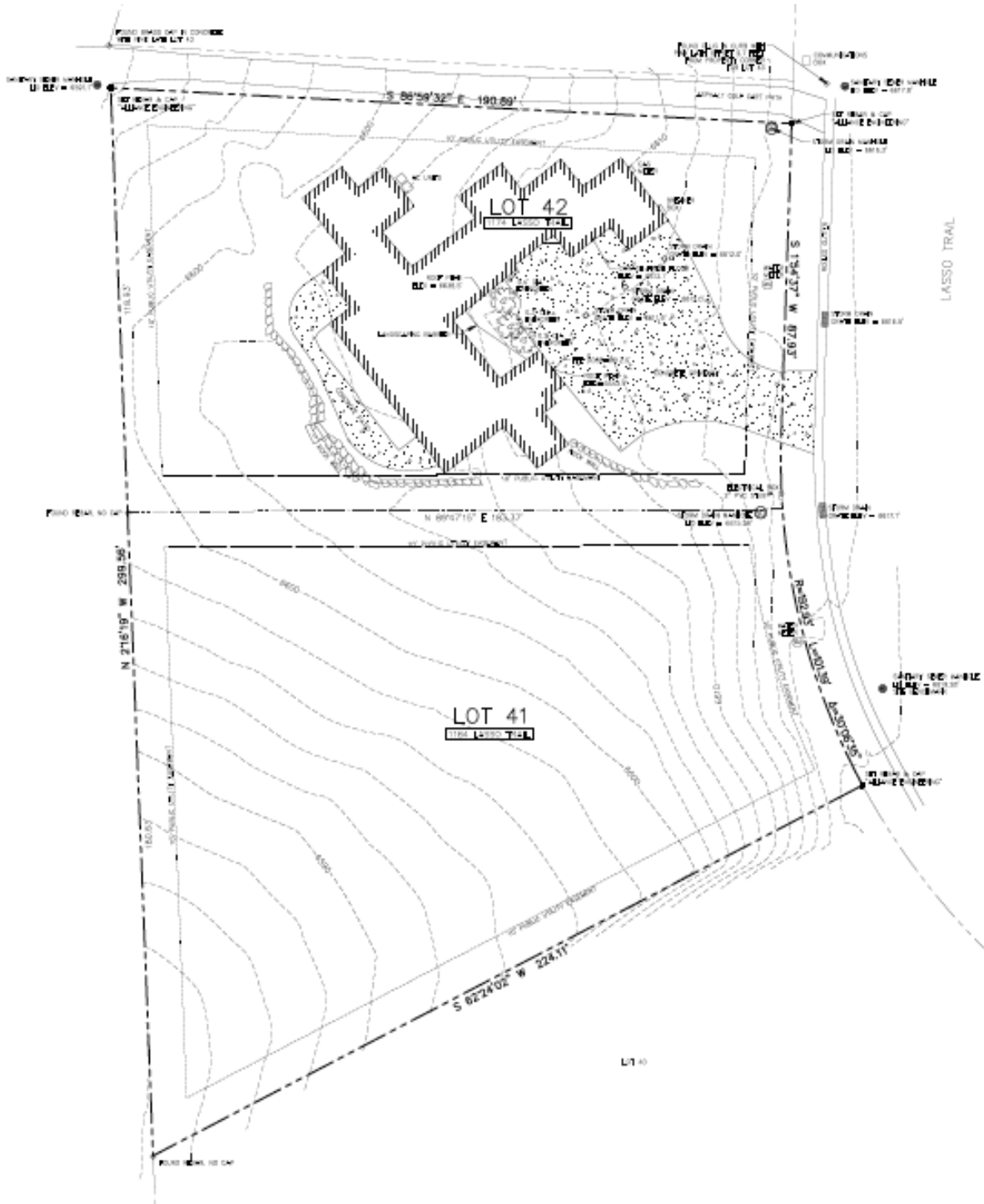
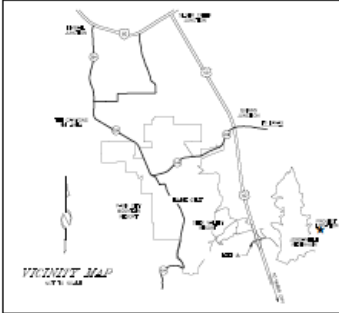
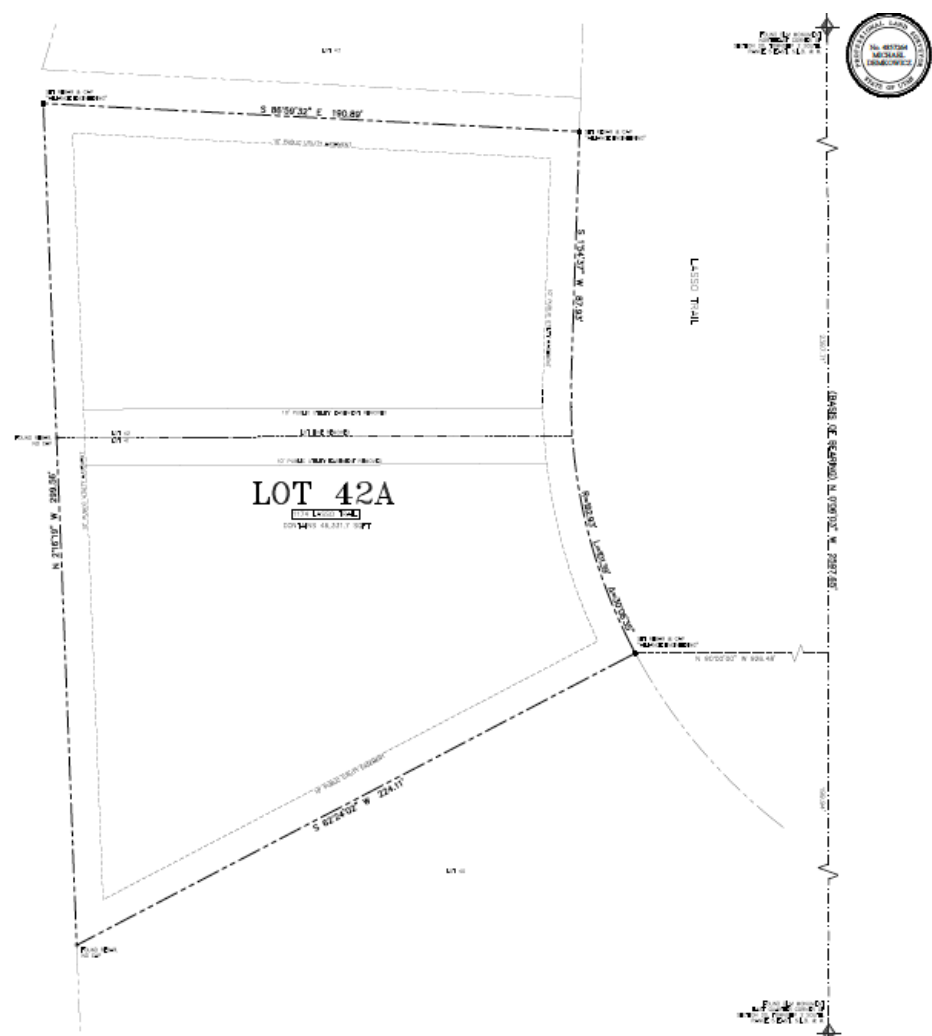
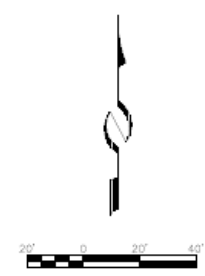


Exhibit B Proposed Lot Combination



NOTES

1. All conditions of Approval of Hideout Canyon Phases 2 & 4 Residential are amended on January 17, 2008 as Entry No. 295333 in the Wasatch County Recorder's Office, subject to applicable zoning, UDC 150-1-101 and 150-1-102.
2. Lots 41 & 42, Hideout Canyon Phases 2 & 4 are not located within a groundwater source protection zone.



HIDEOUT CANYON PHASES 2 & 4 LOTS 41 & 42 AMENDED

LOCATED IN THE NORTHEAST QUARTER OF SECTION 20,
TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND
MERIDIAN WASATCH COUNTY, UTAH

File Attachments for Item:

2. Consideration and recommendation to the Hideout Town Council regarding an amendment of the Master Development Agreement (MDA) for Deer Springs allowing short-term rentals in Phases 2A, 2B, 4, and 8



Staff Report for Deer Springs – Third Amendment to Deer Springs MDA

To: Chairman Tony Matyszczyk
Town of Hideout Planning Commission

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Deer Springs Subdivision – MDA Amendment

Date: February 14, 2024

Submittals: Third Amendment to Master Development Agreement (MDA) for Deer Springs

The Planning Commission and the Town Council approved the initial Master Development Agreement (MDA) with the developer (Nate Brockbank and Holmes Homes) on August 6, 2018. The MDA outlines the agreements between the Town and the developer and address issues such as density allowed, infrastructure requirements, park and trail commitments, design review, etc.

The Town of Hideout approved a First Amendment to the MDA on August 21, 2020 that generally addressed revisions to phasing, park and trail improvements (due prior to recordation of Phase 3; no COs issued for Phase 3 until completion), and improvements to the maintenance building that was donated to the Town.

The Town of Hideout approved a Second Amendment to the MDA on January 12, 2022 that generally addressed the sequencing and phasing of the project as well as the timing of a \$600,000 commitment to the Town.

This proposed Third Amendment to the MDA is a request by the Applicant (Nate Brockbank and Holmes Homes) to allow short-term (nightly) rentals in Phases 2A, 2B, 4, and 8 (see the attached Exhibit – Draft MDA Language – for details).

Short-Term (Nightly) Rentals - Background

Subdivisions/Developments that Currently Allow Short-term (Nightly) Rental in Hideout

Short-term rentals are not currently allowed per the Hideout Town Code with the exception of two subdivisions which have been allowed to have short term, or nightly rentals, within Hideout:

- KLAIM, which negotiated for the allowance of short-term rentals in their Master Development Agreement which reads as follows:

9.13. **Use of Dwellings as Short-term Rentals.** Owners may rent their Dwellings as Short-term Rentals provided: (a) they do so in compliance with the Governing Documents; and (b) a short-term rental permit is issued by the County, if required. Owners opting to rent their Dwellings as Short-term rentals are required to use the services of a property management company that is (1) licensed in accordance with state law and local ordinances and (2) approved by the Association to manage Short-term Rentals within the Property. The Board of Directors shall establish the procedures, rules, and regulations for any Short-term Rentals, including check-in, access to Dwellings and common amenities and facilities. The Owner shall at all times ensure the Dwelling is rented in compliance with the Governing Documents and any rules and regulations for the Property.

- Deer Springs Phase 1 which had a plat note which the developer relied upon which allowed short-term rentals and therefore it was permitted in Deer Springs Phase 1 and Phase 1 amended. The plat note was ultimately amended as follows:
 1. *The allowance of nightly rentals is only for Phase 1 and Phase 1 amended.*
 2. *Any nightly rentals must be managed by a professional management service with someone who can respond on site within 30 minutes.*
 3. *All nightly rentals require a business license.*

It is worth noting that the Hideout Master HOA Association does not allow short term rentals within the association.

The Current Hideout Ordinance Regarding Short-term Rentals

On September 8, 2022, the Town Council adopted the following ordinance for the areas where short term rentals are allowed:

4.02.010 (Definitions)

SHORT TERM RENTAL: "Short-term rental" means any dwelling or condominium or portion thereof that is available for use or is actually used for accommodation or lodging of guests for a period of less than thirty consecutive days, wherein guests pay a fee or other compensation for said use. Also known as a nightly rental.

4.07 REGULATION OF SHORT TERM (NIGHTLY) RENTALS

4.07.01 LICENSE REQUIRED

It is unlawful to conduct or operate a short-term rental without having obtained a business license therefor.

4.07.02 REGULATIONS FOR SHORT TERM RENTAL

Short-term rentals are required to use the services property management company that is licensed in accordance with State and Local Ordinances and can respond on site within 30 minutes.

4.07.15 SEPARATE VIOLATIONS

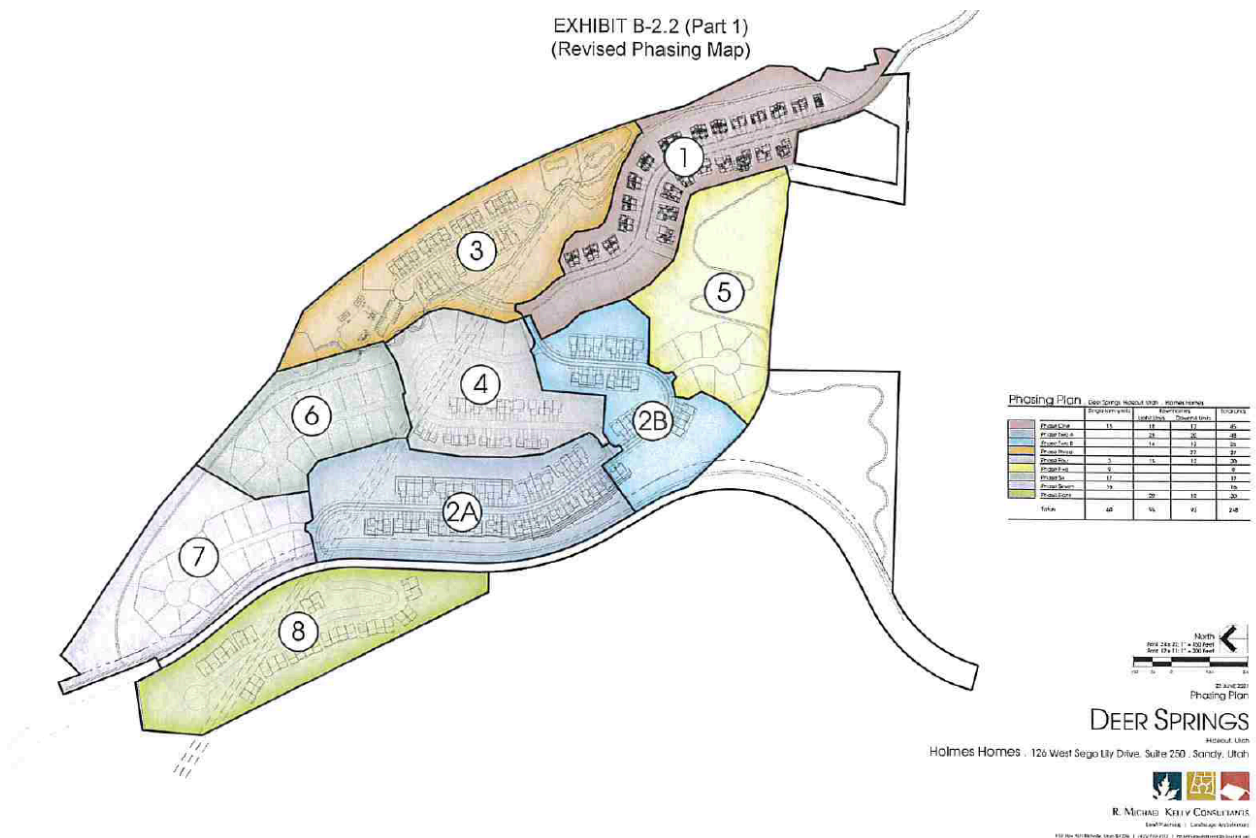
For purposes of prosecution of violations of this chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation.

Proposed Third Amendment to the MDA

The Applicants would like to have short term rentals in Phases 2A, 2B, 4, and 8. This requires an amendment to the MDA since there is currently no allowance for nightly rentals in the Deer Springs neighborhood. A few things to consider:

- Phases 2A and 2B are already platted and no changes are proposed to the lots, sizes, or configuration.
- Phase 4 and Phase 8 have not received final subdivision approval.
- Belaview Way and Ascent Drive are the primary throughway roads to connect Shoreline Drive to the Jordanelle Parkway and are included in Phases 1, 2B, and 2A.
- Phase 8 is located across the Jordanelle Parkway and was initially presented to the Planning Commission as the only phase requesting short-term rentals. The proposal for this phase remains similar to the original submittal and is proposed to include:
 1. A change from the originally proposed duplex/townhouse units to cottage units.
 2. A commercial pad
 3. A clubhouse/community center
 4. Two (2) affordable/workforce housing units

Current Phasing Map for Deer Springs



In exchange for the impacts related to the STRs, the Applicants propose to:

- Dedicate some water rights (10-acre feet) to the Town,
- Offer an option for the Town to purchase an additional 10-acre feet for \$200k, and
- Dedicate some additional MIDA funds to the Town.

Recommendation

Staff is recommending the Planning Commission review and consider the proposed Third Amendment to the Master Development Agreement and provide input and/or conditions if short-term rentals (STRs) are ultimately recommended for phases 2A, 2B, 4, and 8 in the Deer Springs neighborhood.

Exhibit A

The following pages include the proposed draft language for the proposed Third Amendment to the MDA

WHEN RECORDED, RETURN TO:

**Town of Hideout
Attn: Town Clerk
10860 N. Hideout
Trail Hideout, Utah
84036**

**THIRD AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT
FOR DEER SPRINGS COMMUNITY**

THIS THIRD AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR DEER SPRINGS COMMUNITY (“**Third Amendment**”) is made and entered as of the date set forth below, by and between the Town of Hideout, a Utah municipal corporation (“**Town**”), Holmes Western Deer Springs, LLC, a Utah limited liability company (“**Developer**”), Western States Ventures LLC, a Utah limited liability company (“**Original Developer**” and/or “**Western**”) and Miller Family Real Estate, L.L.C., a Utah limited liability company (“**Miller**”).

RECITALS

A. Original Developer Western and the Town entered into that certain *Master Development Agreement for Deer Springs Community*, which was recorded on August 6, 2018 as Entry No. 454483 in the official books and records of the Wasatch County Recorder; and the Original Developer Western States Ventures, L.L.C., the current Developer Holmes Western Deer Springs, LLC (as “**Owner**”) and the Town entered that certain *First Amendment to the Master Development Agreement for Deer Springs Community*, which was recorded on September 15, 2020 as Entry No. 484657 in the official books and records of the Wasatch County Recorder; and the Original Developer Western States Ventures, L.L.C., the Owner and current Developer Holmes Western Deer Springs, LLC and the Town entered that certain *Second Amendment to the Master Development Agreement for Deer Springs Community*, which was recorded on [REDACTED], 2021 as Entry No. [REDACTED] in the official

books and records of the Wasatch County Recorder, (collectively, as amended, the “MDA”). The MDA governs and encumbers the real property shown on **Exhibit A** attached hereto (“**Property**”).

B. The Original Developer has conveyed the Property to the current Developer. The Original Developer has also assigned its rights, titles, interests, duties, obligations and liabilities to and under the MDA to the current Developer, and the current developer has accepted the assignment and assumed the Original Developer’s duties, obligations and liabilities under the MDA, which assignment has been and/or is consented to by the Town.

C. The Town and Developer desire to amend the MDA by making certain modifications to the terms and conditions thereof. Owner acknowledges and accepts this Amendment as a modification to the terms of the MDA which are binding on the Property.

D. Pursuant to Section 25 of the MDA, the parties can amend the terms of the MDA by means of a written document signed by the Town and Developer.

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

AMENDMENT

1. **Recitals Incorporated.** The foregoing recitals are incorporated into, and made part of, this Second Amendment.
2. **Definitions.** Capitalized terms used in this Third Amendment but not otherwise defined shall have the meaning set forth in the MDA, if a meaning is provided. The following Section is hereby added to, and made a part of, the MDA: “**1.2.23.** The words or phrase “Short-Term Rental”, as used in the MDA, shall have the following meaning: “**Short-Term Rental**’ means any dwelling, home, townhome or condominium or portion thereof that is available for use or is actually used for accommodations of

lodging of guests for a period of less than thirty consecutive days, wherein guests pay a fee or other compensation for said use, and is also known as a nightly rental.”

3. **Short-Term Rentals (also known as Nightly Rentals)**. The following Section is hereby added to and made a part of the MDA: “**4.1.1 Short-Term Rentals (also known as Nightly Rentals)**. (Notwithstanding anything to the contrary in the MDA, the Zoning Ordinance, the Town of Hideout’s Code, the Town’s Vested Laws, and the Town’s Future Laws), the Short-Term Rental land use type, (also known as Nightly Rentals), is, and will be, permitted in Phase 2A, Phase 2B, Phase 4 and Phase 8 of the Project on the Property.”
4. **Further Compensation – Water Rights**. Subject to Jordanelle Special Service District’s (“JSSD”) acknowledgement of such and issuing a will serve commitment (and/or any and all other required approval, consent, agreement or other requirement of JSSD to effectuate such), Western shall grant, convey, assign and transfer to the Town by a quit-claim deed and an assignment Western’s right, title and interest in and to, and delegate to the Town all of Western’s duties, obligations and liabilities in connection with, the right to supply the demand (of the applicable number of Equivalent Residential Units (“ERUs”)) equivalent to ten (10) acre feet of water (“Water Right Assignment”), which right title and interest is set forth in and based upon the following document(s):
[insert applicable water reservation agreement and/or other applicable documents] (“Reservation Agreement”). The Town shall accept Western’s grant, conveyance, assignment and transfer (and sign the applicable Water Rights Assignment and any other applicable document(s)), and the Town shall assume and promise to perform all of Western’s duties, obligations, and liabilities under the Reservation Agreement as to the Water Right Assignment.

At the Town’s option, (which option must be exercised within _____ (___))

calendar days from the full execution of this Third Amendment), and subject to Jordanelle Special Service District's ("JSSD") acknowledgement of such and issuing a will serve commitment (and/or any and all other required approval, consent, agreement or other requirement of JSSD to effectuate such), for and in consideration of the payment of Two Hundred Thousand Dollars (\$200,000) to Western by the Town, Western shall grant, convey, assign and transfer to the Town by a quit-claim deed and an assignment Western's right, title and interest in and to, and delegate to the Town all of Western's duties, obligations and liabilities in connection with, the right to supply the demand (of the applicable number of Equivalent Residential Units ("ERUs")) equivalent to ten (10) acre feet of water ("Optional Water Right Assignment"), which right title and interest is set forth in and based upon the following document(s): [insert applicable water reservation agreement and/or other applicable documents] ("Option Reservation Agreement"). The Town shall accept Western's grant, conveyance, assignment and transfer (and sign the Optional Water Right Assignment and any other applicable document(s)), and the Town shall assume and promise to perform all of Western's duties, obligations, and liabilities under the Option Reservation Agreement as to the Optional Water Right Assignment.

The parties hereby agree to execute such further documents and instruments as may be necessary to effectuate the above referenced (in this section) transfer(s)/assignment(s) of water rights.

5. **MIDA.** Subject to any required approval, consent, justification, recognition, agreement or other requirement of the Military Installation Development Authority ("MIDA") and Master Developer (as defined in the MIDA Agreement) (and/or any other governmental or other person or entity) to effectuate such, Western (and Miller, if applicable) shall grant, convey, assign and transfer to the Town by an assignment

Western's (and Miller's, if any) rights, interest, responsibilities, duties, obligations, covenants and liabilities only to (1) resort community tax collected and (2) sales tax collected pursuant to Chapter 1, Title 63H Utah Code Annotated 1953 ("MIDA Act") and in that certain "Tax Sharing and Reimbursement Agreement" ("MIDA Agreement") between Western States Ventures, LLC and the Military Installation Development Authority, with an Effective Date of July, 7, 2022, including any rights to receive reimbursement funds from only (1) resort community tax collected and (2) sales tax collected pursuant to the MIDA Act and in the MIDA Agreement, (including (1) resort community tax collected and (2) sales tax collected funds from MIDA and/or the Hideout Development Fund and/or the Reimbursement Fund and/or the Western States Ventures Reimbursement Fund as referenced and defined in the MIDA Agreement), pertaining to the Project and Property, including all rights to payments and/or reimbursements for Eligible Expenses (as defined in the MIDA Agreement) pertaining to the (1) resort community tax collected and/or (2) sales tax collected pursuant to the MIDA Act and in the MIDA Agreement ("MIDA Assignment"). To be clear, this MIDA Assignment does not include the assignment of any other rights, interest, responsibilities, duties, obligations, covenants and liabilities other than to (1) resort community tax collected and/or (2) sales tax collected pursuant to the MIDA Act and the MIDA Agreement pertaining to the Project and Property; and, among other thing, this MIDA Assignment does not include the assignment of any rights, interest, responsibilities, duties, obligations, covenants and liabilities to (1) property tax generated or collected and/or (2) use tax collected in accordance with the MIDA Act and in the MIDA Agreement pertaining to the Project and Property. The Town shall: accept the MIDA Assignment and assume all of Western's (and Miller's, if any) rights, interests, responsibilities, duties, obligations, covenants and liabilities only to (1) resort

community tax collected and (2) sales tax collected pursuant to the MIDA Act and in the MIDA Agreement pertaining to the Project and Property; agree to be bound by the terms and conditions of the MIDA Agreement; and covenant to duly keep, observe and perform all of the terms, conditions and provisions of the MIDA Agreement that are to be kept, observed and performed by Western (and Miller, if any) thereunder. The MIDA Assignment shall also include a provision stating that Western (and Miller, if applicable), shall be released from all obligations under the MIDA Agreement as to (1) resort community tax collected and (2) sales tax collected pertaining to the Project and Property.

To the extent necessary, Western (and Miller, if applicable), shall also consent and agree that MIDA may amend the Hideout Interlocal Agreement (as defined in the MIDA Agreement) to provide that (1) resort community tax collected and (2) sales tax collected from the Western States Ventures Hideout Property (as defined in the MIDA Agreement) pursuant to the MIDA Act may be placed in the Municipal Services Fund (as defined in the MIDA Agreement) instead of the Development Fund (as defined in the MIDA Agreement) as set forth in that Hideout Interlocal Agreement.

The parties hereby agree to execute such further documents and instruments as may be necessary to effectuate the above referenced (in this section) MIDA Assignment.

6. **Term of Agreement.** The first sentence of Section 5 of the MDA is hereby deleted and replaced with the following sentence: “The term of this MDA shall be until December 31, 2033.”
7. **Approval by Town Council.** This Third Amendment was approved by the Town Council on , 2023.
8. **Scope of this Third Amendment.** Other than as specifically amended herein by this Second Amendment, the terms and conditions of the MDA shall remain in full force and

effect.

[End of Amendment. Signatures Follow.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of this _____ day of _____, 202__.

ORIGINAL DEVELOPER
Western States Ventures, LLC

Town of Hideout TOWN

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

OWNER AND CURRENT DEVELOPER
Holmes Western Deer Springs, LLC

Miller Family Real Estate, L.L.C.

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Approved as to
form:

Attest:

Town
Attorney

Town Clerk

TOWN ACKNOWLEDGMENT

STATE OF UTAH)
 :ss.
COUNTY OF WASATCH)

On the _____day of _____, 202__, personally appeared before me _____who being by me duly sworn, did say that he is the Mayor of the Town of Hideout, a Utah municipal corporation, and that said instrument was signed in behalf of the Town by authority of its governing body and said Mayor acknowledged to me that the Mayor executed the same.

NOTARY PUBLIC

WESTERN ACKNOWLEDGMENT

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

On the _____day of _____, 202__, personally appeared before me _____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.

NOTARY PUBLIC

MILLER ACKNOWLEDGMENT

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

On the _____day of _____, 202__, personally appeared before me _____who being by me duly sworn, did say that he is the manager of Miller Family Real Estate, L.L.C., 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.

NOTARY PUBLIC

DEVELOPER ACKNOWLEDGMENT

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

On the _____day of _____, 202__, personally appeared before me _____who being by me duly sworn, did say that he is the manager of Holmes Western Deer Springs, 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.

NOTARY PUBLIC

My Commission Expires:

Residing at:

EXHIBIT A
(Legal Description)

From: Redacted
To: [Alicia Fairbourne](#)
Subject: Fwd: Caution: ExternalShort-Term Rentals Hideout - Opposition
Date: Monday, February 19, 2024 8:34:00 AM

From: Ingrid Borwick <Redacted>
Sent: Monday, February 19, 2024 8:32:43 AM
To: hideoututah <Redacted>
Cc: Johnny Weissmueller <Redacted>
Subject: Caution: ExternalShort-Term Rentals Hideout - Opposition

[You don't often get email from Redacted [Learn why this is important at https://aka.ms/LearnAboutSenderIdentification](https://aka.ms/LearnAboutSenderIdentification)]

Thank you for taking the time to read this email. We are writing to express our concern and objection to allowing short-term rentals in the next phases of the Deer Springs development in Hideout.

At the time we purchased our townhouse in Deer Springs phase 2A, we were told there would be no short-term rentals in future phases including phase 2A. Our townhouse will be our permanent home and I know others are purchasing there with the intention of their townhouse being their primary residence. We believe it is important to consider the needs and concerns of permanent residents as they are the ones who invest their time and energy into making a community thrive economically and otherwise. Hideout is in its infancy, making it even more important to attract year-round residents who can help create a vibrant community. A community based on short-term rentals is NOT a community. There needs to be a balance where the needs of all are met. I believe Hideout should keep in mind the importance of attracting permanent residents when making this decision. Hideout will not attract year-round residents if short-term rentals are the norm.

We respectfully request that the Town Council reject any proposal that would permit short-term rentals at Deer Springs and also do what it can to make Hideout a place not only for vacationers but also permanent residents who contribute in many ways to making Hideout a wonderful place to live.

Thank you for considering our letter, and for all you do for the Hideout community.
Ingrid and John Borwick
Redacted

Sent from my iPad

From: [hideoututah](#)
To: [Alicia Fairbourne](#)
Subject: Fwd: Caution: ExternalOpposition to Short-Term Rentals
Date: Monday, February 19, 2024 7:54:09 AM

From: Laura L <[Redacted](#)>
Sent: Monday, February 19, 2024 7:51:59 AM
To: hideoututah <[Redacted](#)>
Subject: Caution: ExternalOpposition to Short-Term Rentals

You don't often get email from [Redacted](#) [Learn why this is important](#)

I am writing to express my strong opposition to the proposal allowing short-term rentals in the additional phases of Deer Springs.

We purchased in Deer Springs because we were told that nightly rentals were not expected to be permitted in the additional phases. Having moved to Hideout from an area in Colorado that had become overrun with STR's, I am deeply concerned about the negative impacts that nightly rentals will have on our future community. Our neighborhood is in the crucial phase of development, where homes have been purchased but are not yet completed. The decision to permit short-term rentals could significantly hinder the establishment of a cohesive and vibrant community.

Residents who have invested in building their homes envision a neighborhood characterized by stability, safety, and a sense of belonging. Introducing short-term rentals could undermine these aspirations by introducing transient guests who may not share our commitment to building a strong community. Moreover, allowing short-term rentals could disrupt the construction process and exacerbate existing challenges faced by homeowners and developers. Noise disturbances, increased traffic, and parking issues associated with short-term rentals could impede the progress of construction projects and create additional burdens for residents and builders alike.

I urge the Town Council to consider the long-term implications of allowing short-term rentals in our developing neighborhood. Instead of prioritizing short-term gains, we should focus on fostering a sense of community and creating a welcoming environment for future residents. I respectfully request that the Town Council reject any proposals that would permit short-term rentals in Deer Springs.

Thank you for considering my concerns, and I trust that you will make a decision that prioritizes the well-being and future prosperity of our neighborhood.

Respectfully,
Laura L

File Attachments for Item:

3. Consideration and recommendation to the Hideout Town Council regarding an amendment of the Resort Specially Planned Area (RSPA) zoning district to allow specified public facilities as conditional uses within the RSPA zone



Staff Report for Building, Subdivision, and Zoning Ordinances Updates

To: Chairman Tony Matyszczyk
Hideout Planning Commission

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Public Facilities as Conditional Uses in the RSPA Zoning District and Other Updates and Revisions Throughout the Building, Subdivision, and Zoning Ordinances

Date: February 26, 2024 Planning Commission Meeting

The following is a series of recommendations to update the Town's building, subdivision, and zoning ordinances. Staff has kept an ongoing log of necessary revisions as projects have gone through Planning Commission and Town Council review since the new land use ordinances were adopted in 2020.

The decision to bring these recommendations forward at this time stems from the recent opportunity for the Town to secure a location for a temporary fire station within the Shoreline neighborhood. Review of the existing zoning language revealed that the RSPA (Resort Specially Planned Area) zoning district does not include an allowance for public service buildings such as a fire station or similar buildings.

With the exception of the recommendation to allow fire stations and other public service buildings as conditional uses within the RSPA zoning district, something that Town officials would like to resolve as quickly as possible, the subsequent recommendations are not presented in any particular order.

Blue text indicates new or added text. Red text, with strikethrough, indicates text recommended for deletion.

Item #1:

Proposed change to the Resort Specially Planned Area (RSPA) zoning designation as detailed in Section 12.30.06 of the Hideout Municipal Code (HMC) to allow a fire station or similar public facility as a Conditional Use subject to the conditions detailed in Section 12.26.

Proposed new code section:

12.30.06.20 Conditional Use Categories

[The following are conditional uses within the RSPA zoning designation that must meet the conditions and requirements of HMC section 12.26:](#)

- [Fire station](#)
- [Police station](#)

- [Town Hall](#)
- [Public Works facility](#)
- [Library or Library Branch](#)
- [Similar public building or facility](#)

Move 12.30.06.20 Application Process to a new section number to keep this language at the end of Title 12:

12.30.06.21 Application Process

No change to existing language, just move the code section number down one position.

Item #2

Correction to code reference for section 12.30.06.19. This section should reference the uses in the RSPA that are in the Former Town Code – the code that includes the original language for the RSPA which is the zoning designation for all land included within the Master Development Agreement (MDA) with Mustang Development.

Recommended revisions to the existing code language:

12.30.06.19 Permitted Use Categories

Specific permitted uses within each category are indicated in ~~HMC 12.14.420 through HMC 12.14.500~~ [the Former Town Code, HMC 11.07.142 through HMC 11.07.150.](#)

Item #3

When the Town updated the Zoning Ordinance in 2020, the Planning Commission and Town Council recognized that the majority of the Town’s land had already been entitled and changing the existing zoning district designations was not necessary. The zoning ordinance (e.g., language, development standards, subdivision language, new districts established for future annexations, etc.) was updated but the zoning map remained in place (the adopted zoning map from 2009 – Ordinance No. 09-03) with the annexation of Deer Springs (zoned Mountain [M] with and MDA) being the only major addition added to the map.

The Zoning Map (dated and adopted January 13, 2022) on the Town’s website includes five (5) zoning district designations that carried over from the Former Town Code to address all existing properties within the Town – the zoning remained unchanged as a result of the Zoning Ordinance update in 2020. The five (5) zoning district designations that carried over include:

- Mountain (M)
- Open Space (OS)
- Residential Medium Density (RMD)
- Resort Specially Planned Area (RSPA) – for the Master HOA area governed by the 2010 MDA
- Planned Performance Development (PPD) – overlay district

These were included in the new section of the code as “Limited Future Application Zones” in Section 12.30. The RMD and OS language that was supposed to be carried over was inadvertently left out of this section. The following revisions are proposed:

New sections:

Carry over all language, unchanged, contained within section 11.07.143 of the Former Town Code.

12.03.08 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.

12.03.10 Open Space (OS)

Carry over all language contained within section 11.07.149 of the Former Town Code which includes:

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.

And correct section 11.07.149 of the Former Town Code to read (OS) and not (OP):

11.07.149 Open Space (OP~~S~~)

A second change is required to update the Zoning Map: The legend lists “Proposed Zoning” and should just read “Zoning Districts”.

Item #4

Correction of section referencing performance bonds.

Proposed language:

10.10.06 Required Improvements

The following improvements shall be constructed at the expense of the Applicant, in accordance with the provisions of this Title and the Zoning Ordinance. A performance bond as described in Section ~~10.10.08~~ [11.06.14 Fees \(and specifically detailed in the Town's Fee Schedule adopted by resolution\)](#) shall be secured to ensure installation of required improvements.

Item #5

Add the following to section **10.08.10 Lot Design:**

K. No lot shall have more than one driveway entrance unless the topography and/or lot layout requires a second entrance to ensure safe movements as determined by the Town Planner.

Item #6

Add the following to section **10.08.18 Retaining Walls:**

B. All retaining walls must be set back a minimum of 5'-0" from all property lines.

C. All retaining walls shall be constructed of natural stacked rock unless deemed unsafe by the Town Planner and Town Engineer. All retaining walls must be reviewed and approved for structural integrity and safety by the Town Engineer. A detailed geotechnical report, prepared by a licensed engineer, may be required dependent upon the Town Engineer's review.

Item #7

Remove the requirement for the Town Planner to sign a plat before recordation. This is not necessary, nor common, in Utah. Remove Legislative Body and just keep the Mayor since only the Mayor signs plats.

11.06.30 Recording of the Plat

Final Plat Recordation. After gaining final approval, a Final Plat shall be prepared on reproducible Mylar drawn in accordance with the Town Standards at a scale not smaller than one inch equals one hundred feet (1" = 100') that meet the minimum legal standards for survey as defined in Utah Code Annotated section 17-23-20, and shall show the following:

1. Boundaries of the development and location of all required survey monuments; and
2. Location of all lot lines; and
3. Location and extent of all road and other parcels of land to be dedicated to the public and to be retained in private Ownership; and
4. Location and extent of all Easements; and
5. The certifications previously proposed and approved as part of the Final Documentation provided; and
6. The following Signature Blocks:
 1. Required
 1. Surveyors Certificate
 2. Owner's Dedication, Lien Holder, and Acknowledgement
 3. ~~Legislative Body;~~
 4. [Administrative Approval: Mayor and Attestation](#)

5. Planning Commission [Approval](#)
 6. Town Attorney
 7. Town Engineer
 - ~~8. Town Planner~~
 9. Wasatch County Surveyor
 - ~~10. Wasatch County GIS (required for addressing & 911)~~
 11. Wasatch County Recorder
2. Optional (to be included based on the circumstances indicated):
 1. Jordanelle Special Services District (when services are directly provided to the subdivision by JSSD)
 2. Wasatch County Housing Authority (when the subdivision contains an Affordable Housing component)

Item #8

3.02.90 [Application and General Submittal](#) ~~Notice~~ Requirements

- ~~A. If any citizen or applicant desires to have an item placed on the agenda for the regular meeting of the Planning Commission, a description of the agenda item must be delivered to the Town Clerk no later than 10:00 a.m. fifteen (15) calendar days prior to the Planning Commission's regularly scheduled meeting. All supporting content (electronic or otherwise), if any, must be submitted to the Town Clerk no later than 10:00 a.m. seven (7) calendar days prior to the date of the regularly scheduled Planning Commission meeting. If agenda items or materials supporting such agenda items are delivered after the time set forth in this section, such agenda items will be placed on the agenda for the following regular meeting of the Planning Commission.~~
- A. [If any applicant desires to have an item placed on the agenda for the regular meeting of the Planning Commission, a complete application \(inclusive of all supporting content and required documents such as site plans, building elevations, etc.\) and all associated fees and escrow funds must be submitted to the Records Office no later than 10:00am forty-five \(45\) calendar days prior to the Planning Commission's regularly scheduled meeting. If any required application items are delivered after the time set forth in this section, such application items will be placed on the agenda for the following regular meeting of the Planning Commission.](#)
- B. [No changes to B.](#)
- C. [All applications for property development and/or use permits shall be actively pursued to a final decision by the town. If no activity such as plan submittals, reviews, meetings, or communication by the applicant has occurred on an application for one hundred eighty \(180\) days, the application will be deemed as inactive, and the file closed. The applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause and reasonable belief that the application will be pursued to completion, the Town Planner, or their designee may grant a one-time ninety \(90\) day extension. Once a file is closed, an applicant will be required to pay all applicable fees and reapply for permits or development.](#)

Item #9

Correct the HMC, section 12.26.08, to reflect the updated State Statute language regarding noticing.

12.26.08 Notification of a Conditional Use Permit

~~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.~~

When the Town Staff determines that the application is complete and ready for Planning Commission review, Town Staff will notify the Commission's Authority Representative and the Commission's Authority Representative will establish a date for a public hearing providing sufficient public notice as required under Section 11.06.06

Item #10

The following requirements meet the State of Utah's Landscape Conversion Incentive Program (LCIP). This allows municipalities to be designated as an Eligible Location for possible Utah Water Rebates.

10.06.02 Landscaping and Maintenance Requirements

New "E" (and then move existing E thru Q down to F thru R)

E. The following water-efficient landscape standards for new construction are required:

- No lawn is permitted on parking strips or areas less than eight (8) feet in width in new development.
- No more than 35% of front and side yard landscaped areas in new residential developments may be lawn/turf/mowed grass. This lawn limitation does not apply to small residential lots with less than 250 square feet of landscaped area.
- In new commercial, industrial, institutional and multi-family development common area landscapes, lawn/turf/mowed grass areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

Item #11

Recommended language regarding locating hot tubs and swim spas.

New section:

10.08.08.15 Hot Tub, Swim Spas, and Swimming Pools

1. All hot tubs, swim spas, and swimming pools, inground and above-ground, must meet the following setback and screening requirements:
 - a. No hot tubs, swim spas, and swimming pools are allowed in the front yard or side yards of any structure. They must be located in the rear yard only.
 - b. All hot tubs, swim spas, and swimming pools must meet building setbacks as required in the applicable zoning district.
 - c. All swimming pools must have a fence of at least six (6') feet high surrounding the complete perimeter of the pool. Utah law (Utah Office of Administrative Rules (R392-302-14) specifies that this fence "may not permit a sphere greater than 4 inches" through any part of the fence. The door for the gate must be self-closing, self-latching, and require a key, electronic sensor, or combination to be opened. Chain link fencing is not a permitted fence type; any fencing must be decorative in terms of material and design. The fence must be approved by the Town Planner and meet the Town's Development Standards and Design Guidelines.

Item #12

Recommended revision of what constitutes landscaping and/or groundcover.

10.08.36 Landscaping and Irrigation

1. Natural Topping of Landscape Areas. All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: groundcover, planting, ~~pavers~~, or wood mulch. Decorative rock (commonly known as rice gravel, pea gravel or decomposed granite [DG]) may be used as a ground cover for up to 25% of a property's landscape area (exclusive of building footprint and driveway/parking area).

Item #13

Water and JSSD language should be updated in the Building and Development Standards section (Title 10) to ensure that JSSD water (will serve letter) is required at time of subdivision recordation.

10.14 Impact Fees and Confirmation of Water for Development

This section remains the same for payments:

10.14.020 Time of Payment

Building permits shall not be issued until the applicant has paid all impact fees imposed by the Town of Hideout, the Jordanelle Special Service District ("JSSD"), and the Wasatch County Fire Protection Special Service District ("Wasatch County Fire"). Payments to JSSD and Wasatch County Fire shall be made directly to those districts, and the Town of Hideout shall not issue a building permit until it receives evidence that such payments have been made.

New section just after the above section:

10.14.020 Confirmation of JSSD Water

At the time an applicant submits an application for a plat for any phase of a development, the applicant shall provide satisfactory evidence confirming that they have sufficient dedicated or reserved water with Jordanelle Special Service District ("JSSD") to service the proposed development phase as reflected on the plat to be recorded. As a condition of approval of the plat, the applicant shall, at the time of the recordation of the plat, provide a will serve letter from JSSD and execute all necessary documents to transfer any water reservation agreement to the Town.

Necessary change to a referenced section to ensure similar language:

10.08.26 Utility Connections

G. 2. A. As a condition of Subdivision ~~approval~~ recordation under this Chapter, the Applicant shall convey to the Town of Hideout water rights that entitle the Owner to an annual quantity and rate of flow which is sufficient in amount to meet the water use requirements of the occupants of the Subdivision

Item #14

New language added to clarify that RVs and boats are not allowed to be parked or stored on any properties in Hideout.

7.16.160 Parking of Oversized Vehicles in Residential and Agricultural Zones Prohibited; With Exceptions Noted

- C. No recreational vehicles (RV) or trucks greater than 18' in length, boats, trailers, snowmobiles, or similar shall be stored on any property in Hideout.

- D. The Town of Hideout's Public Works facility and the local fire station are exempted from this zoning restriction to allow large trucks, trailers, snow plows, fire trucks, etc. to park on the property in properly designated and designed spaces.

Item #15

Include a requirement for platting subdivisions to identify on the subdivision map where postal service gang boxes will be located.

11.06.22.01 Preliminary Plan Application Package

- I. Maps. As a part of the Preliminary Plan application package, the Applicant shall prepare the following maps according to the following criteria:
 - 1. General Location Map. The map shall show the following information and conform to the following standards.
 - 1. All drawings shall be 22" x 34' in size.
 - 2. Map shall provide sufficient detail to identify drainage flows entering and leaving the development and general drainage patterns.
 - 3. 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.
 - 4. 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.
 - 5. Basins, basin identification numbers, drainage divides, and topographic contours are to be included.
 - 6. Location of postal service gang boxes and pull-out area or parking delineated.

11.06.26.01 Final Plat Application Package

- I. Maps. As a part of the Final Plat application package, the Applicant shall prepare the following maps according to the following criteria:

Add a new #4 under 'maps':

- 4. Location of postal service gang boxes and pull-out area or parking delineated.

Item #16

For each zoning district designation in Title 12, there are references to the Building and Development Standards (Title 10) that include some incorrectly referenced sections. The following language is recommended to replace this language for each zoning district.

12.08 MOUNTAIN RESIDENTIAL (MR) ZONE

~~12.08.08 Landscaping and Maintenance Requirements~~

~~Unless otherwise specified, the Landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.~~

~~12.08.10 Open Space and Public Space Requirements~~

~~Unless otherwise specified, the Open Space and Public Space requirements within the Mountain Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.~~

~~12.08.12 Design Requirements~~

~~Unless otherwise specified, the Building Design requirements within the Commercial Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.~~

12.08.08 Building, Development, Design, and Landscaping Requirements

Unless otherwise specified, all building, development, design, and landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Title 10, Building and Development Standards.

Similar revisions are proposed for the following zoning districts:

12.10 RESIDENTIAL 3 (R3) ZONE

Remove 12.10.08, 12.10.10, and 12.10.12 and replace with:

12.10.08 Building, Development, Design, and Landscaping Requirements

Unless otherwise specified, all building, development, design, and landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Title 10, Building and Development Standards.

12.12 RESIDENTIAL 6 (R6) ZONE

Remove 12.12.08, 12.12.10, and 12.12.12 and replace with:

12.12.08 Building, Development, Design, and Landscaping Requirements

Unless otherwise specified, all building, development, design, and landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Title 10, Building and Development Standards.

12.14 RESIDENTIAL 20 (R20) ZONE

Remove 12.14.08, 12.14.10, and 12.14.12 and replace with:

12.14.08 Building, Development, Design, and Landscaping Requirements

Unless otherwise specified, all building, development, design, and landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Title 10, Building and Development Standards.

12.16 NEIGHBORHOOD MIXED USE (NMU) ZONE

Remove 12.16.08, 12.16.10, and 12.16.12 and replace with:

12.16.08 Building, Development, Design, and Landscaping Requirements

Unless otherwise specified, all building, development, design, and landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Title 10, Building and Development Standards.

A. Additional Landscaping requirements within the Neighborhood Commercial Zone are as follows:

1. Landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.
2. Manicured grasses can be used in landscape areas but may not exceed 25% of the total landscape area.

12.18 COMMERCIAL (C) ZONE

Remove 12.18.08, 12.18.10, and 12.18.12 and replace with:

12.18.08 Building, Development, Design, and Landscaping Requirements

Unless otherwise specified, all building, development, design, and landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Title 10, Building and Development Standards.

A. Additional Landscaping requirements within the Commercial Zone are as follows:

1. Landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.
2. Manicured grasses can be used in landscape areas but may not exceed 25% of the total landscape area.

12.20 LIGHT INDUSTRIAL (LI) ZONE

Remove 12.20.08, 12.20.10, and 12.20.12 and replace with:

12.20.08 Building, Development, Design, and Landscaping Requirements

Unless otherwise specified, all building, development, design, and landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Title 10, Building and Development Standards.

A. Additional Landscaping requirements within the Light Industrial Zone are as follows:

1. Landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.
2. Manicured grasses can be used in landscape areas but may not exceed 25% of the total landscape area.
3. Installation of a berm or vegetative hedge to obscure visibility into the area. Such installation should obscure a minimum of 70% of the area.

12.22 COMMUNITY RECREATION (CR) ZONE

Remove 12.22.08, 12.22.10, and 12.22.12 and replace with:

12.22.08 Building, Development, Design, and Landscaping Requirements

Unless otherwise specified, all building, development, design, and landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Title 10, Building and Development Standards.

A. Additional Landscaping requirements within the Community Recreation Zone are as follows:

1. Landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.
2. Manicured grasses can be used in landscape areas but may not exceed 25% of the total landscape area.

12.24 NATURAL PRESERVATION (NP) ZONE

Remove 12.24.08, 12.24.10, and 12.24.12 and replace with:

12.24.08 Building, Development, Design, and Landscaping Requirements

Unless otherwise specified, all building, development, design, and landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Title 10, Building and Development Standards.

A. Additional Landscaping requirements within the Natural Preservation Zone are as follows:

1. If any structure is placed on the land, the landscaping requirements listed in Section 10 apply within the boundaries of the disturbed soil.
2. The natural state of the soil satisfies the landscaping requirements; except as noted in Section A.1 above.
3. Public Space is not required in the Natural Preservation zone.
4. Open Space requirements may include public trails.
5. The property owner(s) shall maintain all Natural Preservation, Open Space, and Public Space areas.

Item #17

Correct a reference for the RSPA Equivalent Residential Unit (ERU) calculations to reference the Former Town Code Section 11.07.140. The following clarification is proposed:

12.30.06.07 ERU CALCULATIONS

Calculations of ERUs will be made pursuant to the procedures described and the ERU/Equivalent Residential Units found in Appendix 6 [in the Former Town Code, section 11.07.140.](#)

Item #18

Correct the Mountain zone to read: Mountain Residential zone:

12.08.06 Dimensional Standards

Development in the Mountain [Residential](#) Zone shall comply with the following standards table.

Item #19

Signs:

The code section addressing sign requirements is currently under Title 8, Public Ways and Property, as section 8.14. [This entire section should be moved to 10.04.34.](#)

The following shall be moved from 10.04.24 to 8.14:

~~10.04.34~~ 8.14 Signage

1. Any signs erected on the lot shall be in accordance with HMC ~~12.22~~ [10.04.34](#) outlining sign regulations.
2. A permit board shall be erected on the lot upon which the building permit shall be posted. The permit shall include permit number, name of General Contractor with contact information and street address of property being built on. The Contractor shall keep the posted lot number sign in place until work is complete. The sign size shall be two feet by three feet (2'x3') and shall not exceed a letter type of four inches (4").

Item #20

Correct code reference sections as follows:

12.30.06.14 Neighborhood Commercial (NC)

1. Permitted Uses. Permitted uses include convenience stores, restaurants, neighborhood services, offices, parks and Resort Features (as defined in HMC ~~12.14.500~~ [12.30.06.17](#)).

12.30.06.19 Permitted Use Categories

Specific permitted uses within each category are indicated in HMC ~~12.14.420~~ [12.30.06.09](#) through HMC ~~12.14.500~~ [12.30.06.17](#):

- RSF - Residential Single Family
- MD - 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

Former Town Code recommended clarifications:

11.07.147: Neighborhood Commercial (NC)

1. Permitted Uses. Permitted uses include convenience stores, restaurants, neighborhood services, offices, parks and Resort Features (as defined in Section ~~1-07-03~~ [11.7.150](#) herein).

11.07.152: Permitted Use Categories

Specific permitted uses within each category are indicated in sections ~~1-07-10~~ [11.07.142](#) through ~~1-07-18~~ [11.07.150](#) of this title:

- RSF - Residential Single Family
- MD - 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

Item #21

Clean up and clarification of the ERU table and [add this table to a newly created section in 12.02.30:](#)

10.12 General Terms and Definitions

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

ERU calculations shall be based upon the Unit Equivalent Chart:

Configuration	Notes	ERU's
Motel/Hotel Room, Apartment or Condo	Up to 500 gross sf square feet including bathroom areas	.25
Motel/Hotel Room, Apartment or Condo	Between 501 and 1,000 gross-sf square feet including bathroom areas	.50
Motel/Hotel Room, Apartment or Condo	Between 1,001 and 1,500 gross-sf square feet including bathroom areas	.75
Motel/Hotel Room, Apartment or Condo	Over 1,500 gross-sf square feet; add this total ERU value for each part of an	1.00

	<u>additional</u> 1,500 gross-sf interval (rounded up)	
Single Family Residences (attached or detached)	Up to 5000 gross-sf <u>square feet</u>	1.00
Single Family Residences (attached or detached)	For residences over 5,000 gross-sf <u>square feet</u> , add this <u>total ERU</u> value for each part of <u>each additional</u> 2,000 gross-sf <u>square feet</u> interval (rounded up)	.50
Commercial	For each 2,000 gross-sf <u>square feet</u> of gross floor area, or for each part of <u>an additional</u> 2,000 gross-sf <u>square feet</u> interval, <u>add this total ERU value (rounded up)</u>	.75

Item #22

Allow Hotels as a permitted use in the Commercial District (to match the NMU District) and to make gasoline stations a conditional use rather than a permitted use:

12.18 Commercial (C) Zone

12.18.04 Land Uses

1. The Commercial Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.

Hotel	C <u>P</u>
Gasoline Stations	P <u>C</u>

Item #23

Allow fitness centers as a permitted use in the Neighborhood Commercial District:

12.16 Neighborhood Mixed Use (NMU) Zone

12.16.04 Land Uses

1. The Neighborhood Mixed Use Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.

Fitness / Wellness Center	C <u>P</u>
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