

Minutes
Town of Hideout Planning Commission
Regular Meeting and Public Hearings (Rescheduled)
February 26, 2024
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearings on February 26, 2024 at 6:00 PM in person and electronically via Zoom meeting.

Regular Meeting and Public Hearings

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:02 PM and reminded participants that this was a hybrid meeting held both electronically and in-person.

II. Roll Call

Present: Commissioner Joel Pieper
Commissioner Donna Turner

Attending Remotely: Chair Tony Matyszczyk
Commissioner Glynnis Tihansky

Excused: Commissioner Rachel Cooper
Commissioner Peter Ginsberg (alternate)

Staff Present: Alicia Fairbourne, Recorder for Hideout

Staff Attending Remotely: Polly McLean, Town Attorney
Jan McCosh, Town Administrator
Thomas Eddington, Town Planner

Public Present: Nate Brockbank, Jeff Franco, Edward Kim, Grace Kurak and Michael Kurak

Public Attending Remotely: Jamie Allen, Patricia Bidwill, Megan Blosser, Nate Kimmons, Laura Lothridge, CS Mondy, Jason Nageli, Bret Rutter, and others who may not have signed in using proper names in Zoom.

III. Agenda Items

1. Swearing in of reappointed Planning Commissioners whose terms expired January 1, 2024

Recorder for Hideout Alicia Fairbourne read the oath of office and officiated Chair Matyszczyk and Commissioner Donna Turner for a new term.

2. Announcement and swearing in of Joel Pieper as a regular voting member of the Planning Commission

Chair Matyszczyk announced Joel Pieper had been appointed a regular voting member of the Planning Commission by the Town Council. Ms. Fairbourne read the oath of office and officiated Commissioner Pieper for a new term.

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

Chair Matyszczyk suggested the Planning Commission continue to meet on the 3rd Thursday of each month and referenced the proposed 2024 meeting dates included in the meeting materials.

Motion: Commissioner Pieper moved to adopt the 2024 Planning Commission meeting schedule as presented. Commissioner Turner made the second. Voting Yes: Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.

IV. Approval of Meeting Minutes

1. October 19, 2023 Planning Commission Minutes DRAFT

There were no comments on the October 19, 2023 draft minutes.

Motion: Commissioner Tihansky moved to approve the October 19, 2023 Planning Commission Minutes. Commissioner Pieper made the second. Voting Yes: Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.

2. November 2, 2023 Planning Commission Minutes DRAFT

There were no comments on the November 2, 2023 draft minutes.

Motion: Commissioner Tihansky moved to approve the November 2, 2023 Planning Commission Minutes. Commissioner Pieper made the second. Voting Yes: Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.

V. Public Hearings

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

Town Planner Thomas Eddington provided an overview of the proposal and referenced the Staff Report which was included in the meeting materials. He noted lots 41 and 42 were located in Hideout Canyon Phases 2 and 4, respectively, and were adjacent to the golf course. He stated the lots were zoned as Resort Specially Planned Area (RSPA) and were in a residential single family density pod per the Hideout Canyon Master Development Agreement. The combined lots (new lot 42A) was approximately one acre. An existing home was located on Lot 42, and the applicant intended to maintain most of Lot 41 as open space but may choose to expand the home on Lot 41 in the future, in conjunction with the Homeowners Association (HOA) requirements.

Mr. Eddington discussed the recommended conditions of approval listed in the Staff Report, including the Applicant's requirement to maintain the natural grade and undisturbed vegetation on Lot 41, and restrictions on driveways, parking pads, and accessory structures on Lot 41. Mr. Eddington also noted the Applicant would need to comply with HOA guidelines for any future expansion of the existing home, as well observance of the public utility easement which divided the property.

Ms. Jamie Allen, Applicant, was introduced and stated the primary purpose of the requested amendment was to preserve views from her property. She stated she would follow the HOA approval process and guidelines should she seek to expand the size of the existing home in the future.

Commissioner Glynnis Tihansky asked about the impact of the utility easement and if an existing utility ran between the two lots. Mr. Eddington replied the Town Engineer would need to confirm this should a future construction request be made.

There being no further questions from the Planning Commissioners, the Public Hearing was opened at 6:16 PM.

Mr. Bret Rutter, Glistening Ridge resident, asked if this proposal would result in a devaluation of the parcel and shift the property tax burden to other Hideout and Wasatch County taxpayers. If the Applicant's intention was solely to retain her views, this request did not seem to be necessary. Ms. Allen replied her intention was to eventually expand the current home, but she did not have any specific plans to share at this time. She stated she would go through the design review process with the HOA in the future. Mr. Eddington agreed to research the impact on property taxes prior to presenting the matter to the Town Council for its approval.

There being no further public input, the Public Hearing was closed at 6:23 PM.

Motion: Commissioner Tihansky moved to make a positive recommendation to the Hideout Town Council regarding the combination of Hideout Canyon Lots 41 and 42, subject to the conditions noted in the Staff Report. Commissioner Pieper made the second. Voting Yes: Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from Voting: Commissioner Cooper and Commissioner. The motion carried.

Chair Matyszczyk suggested changing the order of the Public Hearing remaining items from the posted agenda.

2. 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

Mr. Eddington provided an overview of this item, which had arisen from the project underway to locate a temporary fire station on property being made available by Glen Gabler, the developer of the Shoreline subdivision near Recreation Drive and Deepwater Drive. Mr. Eddington stated the current RSPA zoning for Shoreline did not allow for public buildings such as fire or police stations, public works buildings, town hall or libraries. The Planning Commission was being asked at this time to consider an amendment of the Hideout Municipal Code to allow such public facilities as conditional uses within the RSPA zoning district and if approved by Town Council, the next step would be for the Planning Commission to consider the specific conditional use approval for the temporary fire and EMS station.

Mr. Eddington added there were several other zoning and ordinance updates under consideration as a separate public hearing item, but the Planning Commission was being asked to consider this amendment specifically related to the fire station project as a standalone item.

The public hearing was opened at 6:26 PM. There were no comments from the public and the public hearing was closed at 6:27 PM.

Motion: Commissioner Pieper moved to make a positive recommendation to Town Council regarding the amendment of the Resort Specially Planned Area (RSPA) zoning district to allow specified public facilities as conditional uses within the RSPA in accordance with the Ordinance change. Commissioner Tihansky made the second. Voting Yes: Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.

Later in the meeting (after the completion of the discussion of the Deer Springs MDA amendment), Town Attorney Polly McLean circulated a draft ordinance regarding this item, which mirrored the language in the Staff Report. The Planning Commissioners read and discussed the draft ordinance. (Clerk's note: the draft ordinance circulated was included in the final meeting materials.)

Chair Matyszczyk re-opened the floor for Public Comment at 6:29 PM. There was no public comment, and the public hearing was closed at 6:30 PM.

Motion: Commissioner Pieper moved to make a positive recommendation to Town Council regarding the draft ordinance adopting public facilities as a conditional use in the Resort Specially Planned Area (RSPA) zoning district. Commissioner Tihansky made the second. Voting Yes: Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.

3. 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

Chair Matyszczyk noted several comment letters had been received from the public and were included in the meeting materials provided prior to the meeting. Mr. Eddington noted this was the third proposed amendment to the Deer Springs MDA, with the original agreement having been executed on August 6, 2018, and the second amendment which primarily addressed the phasing updates and monetary contribution from the developer being approved in 2022. He reminded the Planning Commissioners of the previous discussions regarding the proposed Cottages development for Phase 8 of the Deer Springs development, and the developer's desire for short-term rentals for that Phase, as well as other phases of the development. Those previous discussions considered a potential short-term rental overlay zoning approval or an amendment to the MDA to provide for short-term rentals in other phases of the development. Mr. Eddington noted limited short-term rentals were currently only approved in Deer Springs Phase 1, per the recorded plat.

Mr. Eddington discussed the current request from the developer to approve short-term rentals in the Phase 8 Cottages as well as Phases 2A, 2B and 4, encompassing approximately 134 of the total 248 Deer Springs townhome units. Mr. Eddington discussed the developer's offer to dedicate ten acre-feet of water rights to the Town, offer an option for the Town to purchase an additional ten acre-feet of water rights for \$200,000, and to dedicate some additional MIDA funds to the Town.

Chair Matyszczyk asked what the financial proceeds would be for the Town from potential short-term rentals. Commissioner Tihansky stated she had been comfortable with the previous discussions to approve short-term rentals in Phase 8 but was not supportive of approving the additional requested phases.

Commissioner Turner asked how many of the units in Phases 2A, 2B and 4 had been sold. Mr. Nate Brockbank, the developer of Deer Springs, responded he believed twelve units were currently under contract, but none had closed.

Chair Matyszczyk asked if the short-term rental units would be rented out by individual homeowners or by a professional management company. Mr. Brockbank replied the units in Phase 8 would be owned and managed as rentals by the developer, and the other phases would be owned by individual owners. Chair Matyszczyk noted the units in Phases 2 A, 2B and 4 would not necessarily all be short-term rentals, depending on the owners' preferences.

In response to a question from Commissioner Pieper, Mr. Brockbank explained for the twelve units under contract, the developer had disclosed verbally it was seeking approval for short-term rentals. Chair Matyszczyk noted several public comment letters were from homeowners who were advised there would be no short-term rentals. Mr. Brockbank noted some buyers were interested in having the option for such rentals, while others were not. He stated all the selling agents for the twelve units under contract had disclosed the potential for short-term rentals, and read a letter to that effect from Eric Davenport, general counsel to Holmes Homes. Mr. Brockbank acknowledged the public comment letters submitted, noted no sales had closed, and stated there were no pre-arranged agreements between himself and the Town. He stated he had been in discussions with the Town about these rentals for the past two years and the process was all public and transparent.

Mr. Brockbank discussed the economic study provided at previous meetings, and noted he was willing to direct his thirty percent (30%) MIDA resort community and sales taxes to the Town as well as to donate ten water shares to the Town and sell another ten water shares at an approximately fifty percent (50%) market discount in consideration for this approval. He noted sales were down in the current market, and the ability to provide short-term rentals could be helpful for the sales effort. Mr. Eddington shared a range of annual potential revenues for the Town under different expected occupancy assumptions.

Chair Matyszczyk opened the floor for public comment at 6:57 PM.

Ms. Laura Lothridge, Kamas resident, stated she was under contract to purchase a unit in Phase 2A and was told there would be no nightly rentals, which was a deciding factor in her decision to purchase the unit. She had owned a condominium in Summit County Colorado and had seen many problems caused by short-term rentals. She stated her desire to move into a quiet, non-transient community, and noted a text she had seen from a Sotheby's representative for Holmes Homes which stated nightly rentals were not on the agenda for Phases 2A.

Ms. Patricia Bidwill, a Golden Eagle property owner, asked if a traffic study had been conducted, and what the financial and traffic impact would be for the Town under different rental scenarios. She asked what the proposed revenues would be for the Town relative to the financial incentives the developer was offering. Commissioner Pieper asked if such an impact study was feasible. Mr. Eddington responded that a traffic impact engineering study could be commissioned. Chair Matyszczyk noted traffic levels would not necessarily be higher for rented units versus units occupied full time.

Commissioner Turner asked if there was any data on the rental volume in Deer Springs Phase 1 where there were already short-term rentals. Ms. Fairbourne noted there were approximately twelve business licenses for owners providing such rentals.

Mr. Rutter stated he did not think increased traffic was the core issue with nightly rentals, which would possibly be lower than with full-time residents commuting from their homes on a daily basis. He referenced Mr. Brockbank's comments from the August 24, 2023 Planning Commission meeting minutes which stated all Deer Springs homebuyers had signed disclosures regarding short-term rentals, which did not seem to be the case. He stated he was supportive of the approval for short-term rentals in Phase 8 but felt the existing homeowners or contract holders had purchased their units with the understanding of the current zoning restrictions. He added the annual impact of Mr. Brockbank's financial offer was miniscule, and he would rather pay slightly higher property taxes.

Mr. Nate Kimmons, Deer Springs Phase 1 resident, stated when he originally purchased his property, he thought the option for short-term rentals was a positive, even though he intended to live there full time. But his experience living in his home, surrounded by short-term rentals was not a positive. He noted instances of cars and boats being parked on streets and other public areas; he also agreed with Mr. Rutter's comment regarding a preference for slightly higher property taxes rather than the taxes from short-term rentals.

Mr. Edward Kim stated he was under contract to purchase a unit in Phase 2A, and noted he had submitted a comment letter which explained disclosure regarding potential short-term rentals had not been made when he entered into his contract. He also asked what the timing had been regarding the MDA amendment under discussion. Mr. Eddington responded the application for amendment had been received two or three weeks ago, and discussions regarding Phase 8 short-term rentals had been ongoing for more than a year and had evolved over time to include Phases 2A and 2B and had expanded to include Phase 4. Commissioner Tihansky recalled the discussions over the past several months had included rezoning requests as either an amendment to the MDA or through a rezoning process.

Mr. Brockbank stated he would withdraw Phase 2A from the application.

Mr. Jeff Franco, Director of Sales and Marketing for Holmes Homes noted he had heard requests for both sides of the short-term rental issue and stated he would be happy to meet with any of the impacted contract holders to discuss the impact of whatever decision is made regarding this rental situation.

Ms. Lothridge noted a follow up to the exchange between Mr. Brockbank and Mr. Kim and stated she had signed her purchase contract in September of 2023 and was not advised of any disclosure regarding potential short-term rentals. She also noted the different sizes of the proposed units in Phase 8 of approximately 2,000 square feet versus the townhomes in the other phases with square footages over 3,000 square feet which would accommodate different numbers of renters. She asked Mr. Franco if he would allow her to pull out of her purchase agreement without penalty. Chair Matyszczyk asked them to discuss this outside of the meeting.

There being no further public comment, the public hearing closed at 7:31 PM.

Commissioner Pieper asked if there would be any additional changes to the MDA requested. Commissioner Turner asked if there would be a similar request for Phase 3; Chair Matyszczyk stated that would be a matter for future consideration.

Motion: Commissioner Matyszczyk moved to make a positive recommendation to the Hideout Town Council regarding an amendment of the Master Development Agreement (MDA) for Deer Springs allowing short-term rentals in Phases 2B, 4, and 8. Commissioner Pieper made the second. Voting Yes: Chair Matyszczyk. Voting No: Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Absent from Voting: Commissioner Cooper and Commissioner Ginsberg. The motion failed.

Motion: Commissioner Tihansky moved to make a positive recommendation to the Hideout Town Council regarding an amendment of the Master Development Agreement (MDA) for Deer Springs allowing short-term rentals in Phase 8. Commissioner Turner made the second Voting Yes: Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.

Ms. McLean asked the Planning Commissioners to share their reasoning for the restated motion and approval in order to provide context to the Town Council. Commissioner Turner stated they had discussed the Phase 8 Cottage project several times and had toured the site which was separate from the rest of the Town and Deer Springs development. She also noted her support for homebuyers who made their investment decisions based on the expectations that their specific phases would not allow for the short-term rentals. With regard to Phases 2B and 4, Commissioner Turner felt such short-term rentals were not consistent with the residential community philosophy of the Town.

Commissioner Pieper concurred with Commissioner Turner's comments, and added he might have supported some short-term rentals in Phase 2A to test the impact of such rentals, but as the buyers had not been advised of this, he would not support the approval. He also noted Phase 4 was an extension of Phase 1, which already allowed for short-term rentals, which might be appropriate. Commissioner Tihansky agreed with these comments and noted Phase 1 short-term rentals may have been approved as an oversight, and she would like to see the rest of the community retain its residential atmosphere.

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

Mr. Eddington referred to the Staff Report and reviewed each proposed item and noted the changes were primarily numerical reference changes or clarifying language. He noted Item 5 was a new addition regarding lot design and driveways; Item 6 regarding retaining wall locations to require five-foot setbacks; Item 7 to remove the Town Planner's required signature on recorded plats. Item 8 addressed a change in the timing for Planning Commission agenda items which would allow sufficient time for noticing and staff review of applications. Ms. McLean suggested an edit to Item 9 related to the noticing procedures for conditional use permits. Item 10 was a new section regarding opportunities for state water rebates and landscaping requirements. Commissioner Pieper asked for clarification regarding Item 14 on the parking and storing of trailers, large trucks, and recreational vehicles in driveways. The Planning Commissioners asked about the implications of limiting grass areas in public spaces in Item 16 and edits were incorporated.

Chair Matyszczyk opened the floor for Public Comment at 8:32 PM.

Mr. Rutter asked if the regulation of trailers and recreational vehicles parked or stored on private property was an overreach by the Town, and noted these types of issues were already regulated by the HOA's. He requested the Planning Commission consider this item further before making a recommendation. He suggested the Town should focus on matters of nuisance, health and safety and leave matters related to visual appearance to the HOA's which already had restrictive guidelines.

Mr. Eddington provided context behind the proposal and noted problems with recreational vehicles being parked on streets or outside of the driveways, which have impeded the right of way and sightlines. He stated he had reviewed some neighboring communities which had similar restrictions. Discussion ensued.

There was no further public comment and the public hearing was closed at 8:48 PM.

Motion: Commissioner Tihansky moved to make a positive recommendation to the Hideout Town Council of an Ordinance regarding updates, technical corrections, and amendments to Hideout Municipal Code Titles 10, 11 and 12 as discussed and to incorporate final technical and non-substantive and formatting edits. Commissioner Turner made the second. Voting Yes: Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.

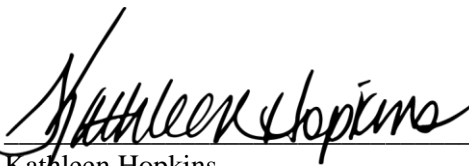
VI. Meeting Adjournment

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

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

The meeting adjourned at 8:51 PM.




Kathleen Hopkins
Deputy Recorder for Hideout