



HIDEOUT, UTAH PLANNING COMMISSION REGULAR MEETING AND PUBLIC HEARING

March 21, 2024

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Hideout, Utah will hold its Regular Meeting and Public Hearing 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 Thursday, March 21, 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 Hearing

6:00 PM

I. Call to Order

1. Swearing in of reappointed Planning Commissioner whose term expired January 1, 2024

II. Roll Call

III. Agenda Items

1. Announcement and swearing in of Chase Winder as an alternate member of the Planning Commission
2. Update regarding Hideout's land use codes

IV. Public Hearing

1. Consideration and recommendation to the Hideout Town Council regarding a conditional use permit to allow a temporary fire station within the Resort Specially Planned Area (RSPA) zoning district on parcel number 00-0021-8053 (Unit TT 11545 North Recreation Drive) and possibly a portion of parcel number 00-0021-8053 (Unit UU 11547 North Recreation Drive)

V. Approval of Meeting Minutes

1. February 26, 2024 Planning Commission Minutes DRAFT

VI. Meeting Adjournment

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Mayor or Town Clerk at 435-659-4739 at least 24 hours prior to the meeting.

File Attachments for Item:

1. Consideration and recommendation to the Hideout Town Council regarding a conditional use permit to allow a temporary fire station within the Resort Specially Planned Area (RSPA) zoning district on parcel number 00-0021-8053 (Unit TT 11545 North Recreation Drive) and possibly a portion of parcel number 00-0021-8053 (Unit UU 11547 North Recreation Drive)



Staff Report for a CUP for the Temporary Fire Station in the RSPA Zone

To: Mayor Philip Rubin
Hideout Planning Commission

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

Re: Temporary Use – Fire Station in the Resort Specially Planned Area (RSPA) Zone
Conditional Use Permit (CUP) on Parcel number 00-0021-8053 (Unit TT 11545 North
Recreation Drive) and possibly a portion of parcel number 00-0021-8053 (Unit UU 11547
North Recreation Drive)

Date: Prepared for the March 21, 2024 Planning Commission Meeting

Submittals: The Applicants submitted a General Site Plan, a Detailed Site Plan, and Elevation Concepts via email on March 5, 2024

Background

- The Town of Hideout has diligently coordinated with the Wasatch County Fire Department to bring a temporary fire station to the community for the past year or so.
- Glen Gabler, of GCD Development, is the developer for the Shoreline neighborhood and has graciously agreed to allow the Wasatch County Fire Department the use of two lots that are not proposed for new structures during this period - parcel number 00-0021-8053 (Unit TT 11545 North Recreation Drive) and possibly a portion of parcel number 00-0021-8053 (Unit UU 11547 North Recreation Drive) – for a three-year period. The total site (or disturbed area) is approximately 20,000 SF (less than a half-acre).
- The Planning Commission held a public hearing on February 26, 2024 to consider including a fire station as a Conditional Use in the RSPA Zoning District. The Planning Commission voted favorably to include fire stations as a Conditional Use. Prior to that favorable recommendation and subsequent adoption by the Town Council (February 28, 2024), fire stations were not permitted in the RSPA district at all.
- A Conditional Use Permit (CUP) must meet the conditions included in the Hideout Municipal Code (HMC), Chapter 12.26 Conditional Uses.

Conditional Use Permit (CUP) Review

The Planning Commission may allow a conditional use to be located only in a zoning district in which the particular use is allowed as a Conditional Use. In authorizing any Conditional Use, the planning commission shall approve the CUP if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. (see HMC 12.26.06). The Planning Commission shall not authorize a Conditional Use Permit unless the evidence presented is such as to establish that the proposed use in accordance with HMC 12.26.16:

1. At the specified location, is in harmony with the general intent and purpose of the General Plan; and
2. Is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood; and
3. Such use will not, under the circumstances of the particular case, be harmful to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
4. Reasonable conditions can be imposed by the Planning Commission which will mitigate proposed use's detrimental effects.

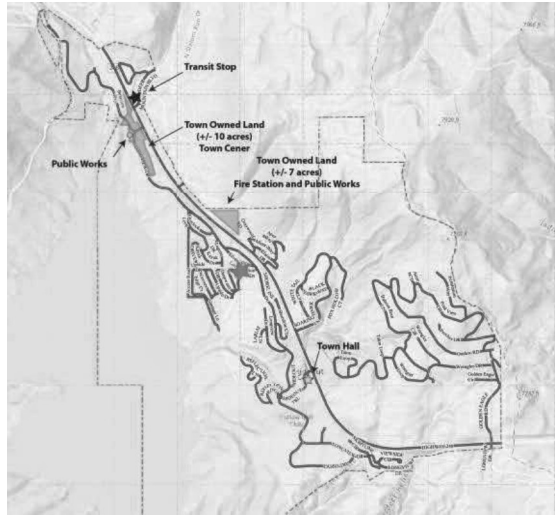
Proposed Structures on Site

The structures proposed on the temporary fire station site include:

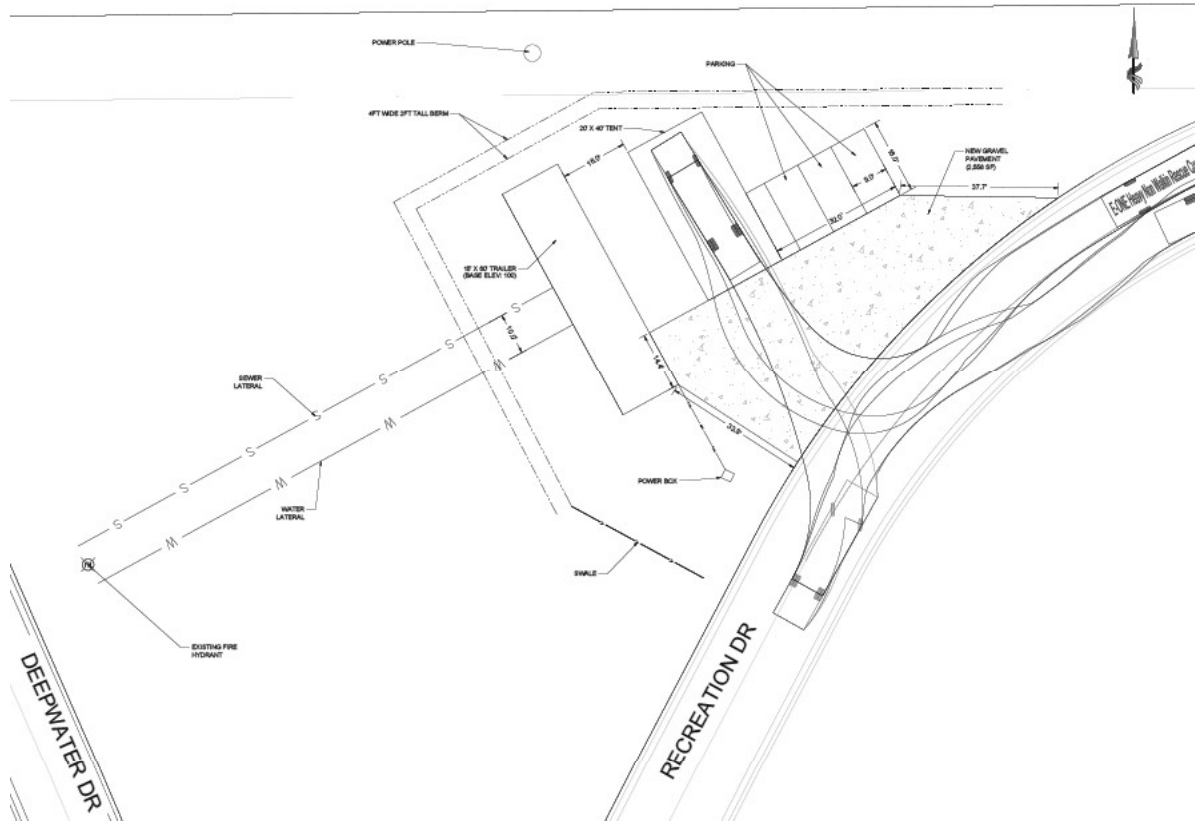
- A 15' x 60' trailer to house fire personnel that will stay on site full time.
- A 20' x 40' tent (or Quonset hut style structure) to cover the fire truck on site.

The site will be regraded and greater than 2,500 SF will be gravel pavement (e.g., compacted gravel) to support the fire truck and movements. In addition, three parking spaces will be located on the northeastern part of the site (adjacent to the Quonset building that will house the fire truck and other apparatus).

Proposed Location (red star) – Town Context Map

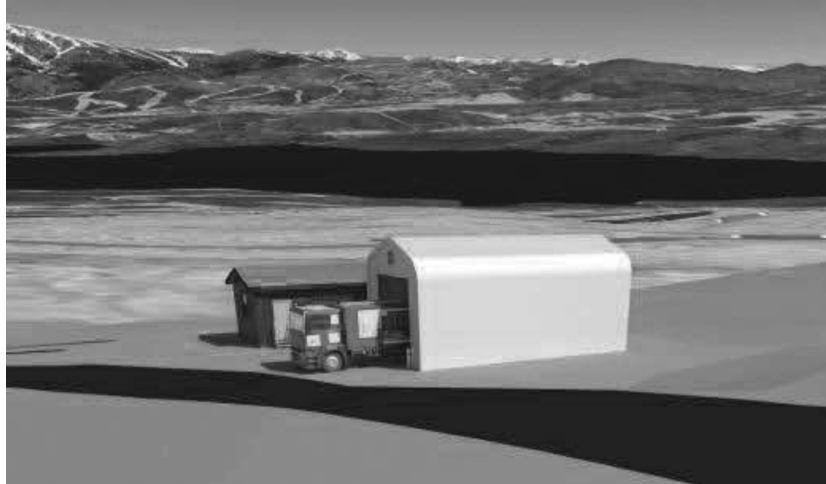


Proposed Site Plan



Proposed Conceptual Design





The following includes an analysis of each of the four conditions listed in HMC 12.26.16 that must be met for the proposed Conditional Use Permit for a temporary fire station to be approved by the Planning Commission. The proposed fire station:

1. At the specified location, is in harmony with the general intent and purpose of the General Plan.

The proposed site for the temporary fire station is located on Recreation Drive, near the entrance of the Shoreline neighborhood (where housing is proposed to be built in the future; the lots are already entitled for residential development). The proposed site is a temporary site – for up to three years. The Town is simultaneously working with the Wasatch County Fire Department to negotiate a deal for a permanent fire station, possible police sub-station, and public works facility on the +/-7 acres the Towns on SR248.

The Town’s 2019 General Plan addresses the need for emergency management facilities:

7.2.5 Emergency Responders

There are no fire stations, police stations, or hospitals in Hideout. Hideout is served by the Wasatch County Fire District. Police protection is provided by the Wasatch County Sheriff’s Office. When the Jordanelle Parkway is completed, the response time of emergency vehicles will drop from fifteen minutes to about eight minutes. The closest hospitals to Hideout are Intermountain Park City Hospital and Heber Valley Hospital.

General public facilities that citizens would like to see in Hideout or have better access to:

- Fire stations
- Police stations
- Emergency vehicles
- Libraries
- Rec center
- Sports facilities
- Better connectivity for internet

2. **Is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

The Town's commitment to protect the health, safety, and welfare of the community certainly includes the provision of emergency management services (EMS) such as fire and paramedic services. The general well-being of the Town's residents is well served by the proposed temporary fire station.

3. **Such use will not, under the circumstances of the particular case, be harmful to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The proposed site for the temporary fire station is in the vicinity of, but not contiguous to, residential units. The location is essentially at the entrance to the Shoreline neighborhood. The Applicants shall confirm that site's ingress/egress point will not negatively impact the Shoreline community. It appears that the width of the road, Recreation Drive, is sufficient to allow for wide turns and other vehicular maneuvers that may be required by the fire engines kept on this site.

4. **Reasonable conditions can be imposed by the Planning Commission which will mitigate proposed use's detrimental effects.**

Beyond these four required conditions that are the foundation of any CUP application in the Town of Hideout, Hideout Municipal Code (HMC) Section 12.26.18 Standards for Conditions includes numerous standards for additional conditions under the headings of compliance, safety, health and sanitation and environment, as applicable, to a particular project. Of the list of standards, the following are appropriate for consideration by the Planning Commission:

- a) Physical design and compatibility with surrounding structures relative to mass, scale, style, design, and architectural detailing.

The Applicants shall provide the height and dimensions of the proposed structures. While views are not a protected right, it is important to ensure the proposed temporary fire station maintains the same mass, or less, than a house or townhouse that could be located on this site.

- b) The screening of yards or other areas as protection from obnoxious land uses and activities.

The site plan includes a proposed 4'-0" high 'berm' surrounding the site. It appears this is not so much a berm as it is a change in slope that drops off quite substantially to the properties down slope – a shelf. This appears to exceed the Town's code that requires a maximum slope allowance and should be reduced to reflect a slope more typical of the site's context. This 'berm' should be widened, and undulated, to create a more natural appearance and safer land structure. The

Town Engineer shall have final review and approval authority for this particular feature.

- c) Landscaping in addition to that already required under the Town Standards to ensure compatibility with the intended neighboring land uses.

No landscaping has been included on the site plans provided. Some vegetative screening and/or trees should be included. These may be planted in underground containers that will allow for easy removal and transplant at the permanent fire station location in three years.

- d) Limitations or controls on the location, height and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.

There was some initial discussion regarding a decorative screen/fence along the upslope face of the site, but no details have been provided at this time. While a Cor-ten (weathered metal) might be appropriate for screening purposes in the right location, a vegetative screen row would likely work most seamlessly in this area. The Applicants shall provide a visual representation of what is proposed.

- e) Plans for the location, arrangement and dimensions of truck loading and unloading facilities.

It appears the site has adequate ingress/egress and sufficient space for turning movements. The Applicant shall confirm this is the case and that movements will not cause any disruption to the residential neighborhood.

- f) Stormwater management mitigation measures in addition to the Town Standards to ensure the containment of runoff on site.

The Applicant shall explain the proposed stormwater management measures proposed for this site that has a significantly percentage of the site as paved and/or relatively impervious surface.

Hideout Municipal Code (HMC) Requirements for CUPs

1. In accordance with HMC 12.26.10 Appeals of Decision, Any affected person shall have the right to appeal the decision of the planning commission to the Town Council. Such appeal shall be applied for within thirty (30) days from the date of the decision of the planning commission. Upon receipt of such appeal, the Town Council shall hold a public meeting to hear the appeal within forty-five (45) days. The decision of the Town Council may be appealed to the board of adjustment.
2. In accordance with HMC 12.26.14 Time Limit, Unless the uses and conditions prescribed in a conditional use permit are implemented within one year after its issuance, the conditional use permit shall expire. The planning commission may grant an extension of up to six (6) months under exceptional circumstances. If the extension is not approved and the conditional use permit

expires, a reapplication shall not be submitted for the same purpose for a minimum period of twelve (12) months.

Staff Recommendation

The Planning Commission is responsible for making the final decision for a Conditional Use Permit (CUP) application. The vote is for approval or denial of the application and that vote is final. This is not a recommending vote to the Town Council. The Town Council has no review or approval authority for a CUP. The Planning Commission should review the application and the staff report, take input from the Applicants and the public, and render a decision.

Town of Hideout Planning Commission Resolution 2024-R-03

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A TEMPORARY FIRE STATION IN THE SHORELINE NEIGHBORHOOD, LOCATED IN HIDEOUT, UTAH

WHEREAS, the Town of Hideout officials, Town staff and residents have desired a fire station to be located within the community's boundary, and

WHEREAS, the owner of the property known as Parcel number 00-0021-8053 (Unit TT 11545 North Recreation Drive) and a portion of parcel number 00-0021-8054 (Unit UU 11547 North Recreation Drive), located in Hideout, Utah, has agreed to lease these lots to the Wasatch County Fire Department for approximately three years; and

WHEREAS, legal notice of the public hearing was published on the Town of Hideout's website on March 11, 2024; and

WHEREAS, the Planning Commission held a public hearing on March 21, 2024 to receive input on the proposed subdivision amendment for a lot combination; and

WHEREAS, the Planning Commission, on March 21, 2024 conducted a public hearing; and

WHEREAS, it is in the best interest of Hideout, Utah to approve the Conditional Use Permit (CUP) for the temporary fire station given that this CUP is intended to comply with the Hideout Municipal Code, and the Technical Reports prepared by the Town Staff as well as all other recorded agreements.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of Hideout, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Conditional Use Permit is approved subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. Zoning for the property is RSPA – Resort Specially Planned Area
2. The Shoreline Phase 3 Subdivision was recorded on August 10, 2022.
3. Parcel number 00-0021-8053 (Unit TT 11545 North Recreation Drive) and a portion of parcel number 00-0021-8054 (Unit UU 11547 North Recreation Drive) generally include approximately 20,000 SF.
4. The property is located within the Town of Hideout, between SR248 and the Jordanelle Reservoir, and is generally located within the Shoreline neighborhood.
5. The Town of Hideout entered into a Master Development Agreement (MDA) with the developer on March 11, 2010.
6. No changes are proposed to the existing road alignment or adjacent uses.
7. The structures proposed on the temporary fire station site include:
 - A 15' x 60' trailer to house fire personnel that will stay on site full time.
 - A 20' x 40' tent (or Quonset hut style structure) to cover the fire truck on site.
 - The maximum height allowance for the Quonset hut is 25'-0".
 - The site will be regraded and greater than 2,500 SF will be gravel pavement (e.g., compacted gravel) to support the fire truck and movements.

- Three parking spaces will be located on the northeastern part of the site (adjacent to the Quonset building that will house the fire truck and other apparatus).

Conclusions of Law

1. The Conditional Use Permit (CUP), as conditioned, complies with Hideout Municipal Code.
2. The Conditional Use Permit (CUP), as conditioned, is consistent with the applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision amendment as conditioned.
4. Approval of the Conditional Use Permit (CUP), subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Hideout.

Conditions of Approval

1. The Conditional Use Permit is in accordance with HPC 12.26.16 per the Town Planner's Staff Report prepared for the public hearing held on March 21, 2024 and the Planning Commissioner's input at that meeting. The Applicants satisfactorily demonstrated that the proposed temporary fire station:
 - a. At the specified location, is in harmony with the general intent and purpose of the General Plan; and
 - b. Is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood; and
 - c. Such use will not, under the circumstances of the particular case, be harmful to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
 - d. Reasonable conditions can be imposed by the Planning Commission which will mitigate proposed use's detrimental effects. The following conditions also apply to this project:
 - i. Physical design and compatibility with surrounding structures relative to mass, scale, style, design, and architectural detailing.
 1. The fire station will adhere to the maximum height requirements and setbacks of the RSPA zone.
 - ii. The screening of yards or other areas as protection from obnoxious land uses and activities.
 1. The proposed 4'-0" high 'berm' surrounding the site will be reconfigured to meet the Town's specifications regarding slopes and vegetation.
 - iii. Landscaping in addition to that already required under the Town Standards to ensure compatibility with the intended neighboring land uses.
 1. Vegetative screening and/or trees will be included on site to provide a visual buffer and establish a landscape plan that generally adheres to the character of the area. These plants may be planted in underground containers that will allow for easy removal and transplant at the permanent fire station location in three years.
 - iv. Limitations or controls on the location, height and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
 1. A Cor-ten (weathered metal) might be appropriate for screening purposes in the right location (approved by the Town Planner in

- accordance with the Hideout Municipal Code [HMC]) or a vegetative screen row will be located on site.
- v. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
 - 1. The Applicant shall confirm this is the case and that movements will not cause any disruption to the residential neighborhood.
 - vi. Stormwater management mitigation measures in addition to the Town Standards to ensure the containment of runoff on site.
 - 1. The Applicant agrees to meet the stormwater management measures pursuant to the Hideout Municipal Code (HMC) and final approval by the Town Planner and Town Engineer.
 - e. The Town Planner and Town Engineer must review the final site plan and confirm all requirements of the HMC and associated conditions are sufficiently addressed.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon passage.

PASSED AND ADOPTED this 21st day of March, 2024

TOWN OF HIDEOUT PLANNING COMMISSION


Anthony Matyszczyk, Planning Commission Chair

ATTEST:


Alicia Fairbourne, Recorder for Hideout



File Attachments for Item:

1. February 26, 2024 Planning Commission Minutes DRAFT

1 **Minutes**
2 **Town of Hideout Planning Commission**
3 **Regular Meeting and Public Hearings (Rescheduled)**
4 **February 26, 2024**
5 **6:00 PM**
6
7

8 The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public
9 Hearings on February 26, 2024 at 6:00 PM in person and electronically via Zoom meeting.
10

11 Regular Meeting and Public Hearings
12

13 **I. Call to Order**

14 Chair Tony Matyszczyk called the meeting to order at 6:02 PM and reminded participants that this
15 was a hybrid meeting held both electronically and in-person.
16

17 **II. Roll Call**

18 **Present:** Commissioner Joel Pieper
19 Commissioner Donna Turner
20

21 **Attending Remotely:** Chair Tony Matyszczyk
22 Commissioner Glynnis Tihansky
23

24 **Excused:** Commissioner Rachel Cooper
25 Commissioner Peter Ginsberg (alternate)
26

27 **Staff Present:** Alicia Fairbourne, Recorder for Hideout
28

29 **Staff Attending Remotely:** Polly McLean, Town Attorney
30 Jan McCosh, Town Administrator
31 Thomas Eddington, Town Planner
32

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

34 **Public Attending Remotely:** Jamie Allen, Patricia Bidwill, Megan Blosser, Nate Kimmons,
35 Laura Lothridge, CS Mondri, Jason Nageli, Bret Rutter, and others who may not have signed in using
36 proper names in Zoom.
37

38 **III. Agenda Items**

39 **1. Swearing in of reappointed Planning Commissioners whose terms expired January**
40 **1, 2024**

41 Recorder for Hideout Alicia Fairbourne read the oath of office and officiated Chair Matyszczyk and
42 Commissioner Donna Turner for a new term.
43

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

3 Chair Matyszczyk announced Joel Pieper had been appointed a regular voting member of the
4 Planning Commission by the Town Council. Ms. Fairbourne read the oath of office and officiated
5 Commissioner Pieper for a new term.
6

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

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

11 *Motion: Commissioner Pieper moved to adopt the 2024 Planning Commission meeting schedule*
12 *as presented. Commissioner Turner made the second. Voting Yes: Chair Matyszczyk,*
13 *Commissioner Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None.*
14 *Absent from Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.*
15

16 **IV. Approval of Meeting Minutes**

17 **1. October 19, 2023 Planning Commission Minutes DRAFT**

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

19 *Motion: Commissioner Tihansky moved to approve the October 19, 2023 Planning Commission*
20 *Minutes. Commissioner Pieper made the second. Voting Yes: Chair Matyszczyk, Commissioner*
21 *Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from*
22 *Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.*
23

24 **2. November 2, 2023 Planning Commission Minutes DRAFT**

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

26 *Motion: Commissioner Tihansky moved to approve the November 2, 2023 Planning Commission*
27 *Minutes. Commissioner Pieper made the second. Voting Yes: Chair Matyszczyk, Commissioner*
28 *Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from*
29 *Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.*
30

31 **V. Public Hearings**

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

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

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

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

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

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

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

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

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

27
28 Chair Matyszczyk suggested changing the order of the Public Hearing remaining items from the
29 posted agenda.

30
31 **2. Consideration and recommendation to the Hideout Town Council regarding an**
32 **amendment of the Resort Specially Planned Area (RSPA) zoning district to allow**
33 **specified public facilities as conditional uses within the RSPA zone**

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

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

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

6
7 *Motion: Commissioner Pieper moved to make a positive recommendation to Town Council
8 regarding the amendment of the Resort Specially Planned Area (RSPA) zoning district to allow
9 specified public facilities as conditional uses within the RSPA in accordance with the Ordinance
10 change. Commissioner Tihansky made the second. Voting Yes: Chair Matyszczyk, Commissioner
11 Pieper, Commissioner Tihansky and Commissioner Turner. Voting No: None. Absent from
12 Voting: Commissioner Cooper and Commissioner Ginsberg. The motion carried.*

13
14 Later in the meeting (after the completion of the discussion of the Deer Springs MDA amendment),
15 Town Attorney Polly McLean circulated a draft ordinance regarding this item, which mirrored the
16 language in the Staff Report. The Planning Commissioners read and discussed the draft ordinance.
17 (Clerk's note: the draft ordinance circulated was included in the final meeting materials.)

18
19 Chair Matyszczyk re-opened the floor for Public Comment at 6:29 PM. There was no public
20 comment, and the public hearing was closed at 6:30 PM.

21
22 *Motion: Commissioner Pieper moved to make a positive recommendation to Town Council
23 regarding the draft ordinance adopting public facilities as a conditional use in the Resort
24 Specially Planned Area (RSPA) zoning district. Commissioner Tihansky made the second. Voting
25 Yes: Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky and Commissioner
26 Turner. Voting No: None. Absent from Voting: Commissioner Cooper and Commissioner
27 Ginsberg. The motion carried.*

28
29 **3. Consideration and recommendation to the Hideout Town Council regarding an**
30 **amendment of the Master Development Agreement (MDA) for Deer Springs**
31 **allowing short-term rentals in Phases 2A, 2B, 4, and 8**

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

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

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

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

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

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

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

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

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

42

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30
31 **4. Discussion and recommendation to the Hideout Town Council of an Ordinance**
32 **regarding updates, technical corrections, and amendments to Hideout Municipal**
33 **Code Titles 10, 11, and 12**

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

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

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

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

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

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

18
19 **VI. Meeting Adjournment**

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

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

25 The meeting adjourned at 8:51 PM.

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Kathleen Hopkins
Deputy Recorder for Hideout