



# HIDEOUT, UTAH PLANNING COMMISSION REGULAR MEETING, PUBLIC HEARING AND WORK SESSION (RESCHEDULED)

**May 24, 2023**

## **Agenda**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Hideout, Utah will hold its Rescheduled Regular Meeting, Public Hearing and Work Session (time permitting) electronically for the purposes and at the times as described below on Wednesday, May 24, 2023

This meeting will be an electronic meeting without an anchor location pursuant to Planning Commission Chair Anthony Matyszczyk's May 17, 2023 No Anchor Site Determination Letter.

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/>

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Regular Meeting, Public Hearing and Work Session (time permitting)  
6:00 PM

I. Call to Order

1. [May 17, 2023 No Anchor Site Determination Letter](#)

II. Roll Call

III. Approval of Meeting Minutes

1. [April 17, 2023 Planning Commission Minutes \(DRAFT\)](#)

IV. Agenda Items

1. [Discussion of a concept plan for a potential development Hideout Point \(parcel 00-0021-3176\)](#)
2. [Presentation and discussion of an updated concept plan and potential Annexation of the Benloch Ranch property](#)

V. Public Hearing

1. [Discuss and make a recommendation to Town Council regarding an amendment of the Official Town of Hideout Zoning Map to rezone parcels 00-0020-8182 and 00-0020-8184 \(the "Bloom in Hideout" Development\) from Mountain \(M\) zone to Neighborhood Mixed Use \(NMU\), Residential 3 \(R3\), Residential 6 \(R6\), Mountain Residential \(MR\), Residential 20 \(R20\), and Neighborhood Preservation \(NP\)](#)

VI. Work Session (time permitting)

1. [Discussion of a potential Overlay Zone to allow for nightly rentals](#)

VII. Meeting Adjournment

**File Attachments for Item:**

1. May 17, 2023 No Anchor Site Determination Letter



May 17, 2023

DETERMINATION REGARDING CONDUCTING TOWN OF HIDEOUT PUBLIC MEETINGS  
WITHOUT AN ANCHOR LOCATION

The Planning Commission Chair of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(5) and Hideout Town Resolution 2022-R-17. The facts upon which this determination is based include: The seven-day number of positive cases has been, on average, 64.7 per day since May 17, 2023.

This meeting will not have a physical anchor location. All participants will connect remotely. All public meetings are available via YouTube Live Stream on the Hideout, Utah YouTube channel at: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Interested parties may join by dialing in as follows:

**Meeting URL:** <https://zoom.us/j/4356594739>

**To join by telephone dial:** US: +1 408-638-0986

**Meeting ID:** 4356594739

Additionally, comments may be emailed to [hideoututah@hideoututah.gov](mailto:hideoututah@hideoututah.gov). Emailed comments received prior to the scheduled meeting will be considered by the Planning Commission and entered into public record.

This determination will expire in 30 days on June 16, 2023.

BY:

  
Tony Matyszczyk,  
Planning Commission Chair

ATTEST:

  
Kathleen Hopkins, Deputy Town Clerk



**File Attachments for Item:**

1. April 17, 2023 Planning Commission Minutes (DRAFT)

**Minutes**  
**Town of Hideout**  
**Planning Commission Regular Meeting and Public Hearings (Rescheduled)**  
**April 17, 2023**  
**5:00 PM**

The Planning Commission of Hideout, Wasatch County, Utah met in Rescheduled Regular Meeting and Public Hearing on April 17, 2023 at 5:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting and Public Hearing

**I. Call to Order**

Chair Tony Matyszczyk called the meeting to order at 5:05 PM and referenced the current No Anchor Site letter which was included in the meeting materials. All attendees were present electronically.

**II. Roll Call**

**PRESENT:**

Chair Tony Matyszczyk  
Commissioner Rachel Cooper  
Commissioner Jonathan Gunn  
Commissioner Glynnis Tihansky  
Commissioner Peter Ginsberg (alternate)  
Commissioner Joel Pieper (alternate)

**EXCUSED:**

Commissioner Donna Turner

**STAFF PRESENT:**

Polly McLean, Town Attorney  
Thomas Eddington, Town Planner  
Jan McCosh, Town Administrator  
Timm Dixon, Director of Engineering  
Alicia Fairbourne, Recorder for Hideout  
Kathleen Hopkins, Deputy Recorder for Hideout

**OTHERS IN ATTENDANCE:** Jenni Hogan, Ryan Sapp, Nate Brockbank, John Greer, Damian Taitano, Ed O'Rourke, Judd Webster, Jim Gruber, Jack Walkenhorst, Lorrinda Lattimore, Sam Hartman, Catherine Woltering, and others who may not have signed in using proper names in Zoom.

**III. Approval of Meeting Minutes**

**1. March 16, 2023 Planning Commission Minutes DRAFT**

There were no comments on the March 16, 2023 draft minutes.

1 *Motion: Commissioner Gunn made the motion to approve the March 16, 2023 Planning*  
2 *Commission Minutes. Commissioner Cooper made the second. Voting Yes: Commissioner*  
3 *Cooper, Commissioner Gunn, Chair Matyszczyk, and Commissioner Tihansky. Voting No: None.*  
4 *Absent from Voting: Commissioner Turner. The motion carried.*

#### 6 IV. Agenda Items

##### 7 **1. Introduction and swearing in of Second Alternate Planning Commission Members**

8 Chair Matyszczyk announced the Town Council had appointed Peter Ginsberg and Joel Pieper as new  
9 alternate members of the Planning Commission. Hideout Town Recorder Alicia Fairbourne read the  
10 oath of office and officiated them as Alternate Planning Commissioners.

##### 12 **2. Continued discussion of a concept plan for a potential development Bloom in** 13 **Hideout (the Salzman property, parcels 00-0020-8182 and 00-0020-8184)**

14 Chair Matyszczyk invited Ms. Jenni Hogan and Mr. Ryan Sapp, developers of the Bloom in Hideout  
15 subdivision to provide an update on their proposed development, including the status of water rights  
16 secured for the project. Ms. Hogan thanked the Planning Commission for the feedback they provided  
17 at the last meeting and noted many of their comments were incorporated in the updated plans. She  
18 stated the revised plan reflected lower density and more refinement on building site locations. She also  
19 reported the development team had entered into a Letter of Intent with a premier hotel partner, had  
20 secured 50-acre feet of water which would supply Phase 1 of the development, and had met with  
21 Jordanelle Special Services District (JSSD) to confirm water service. She noted Phase 1 would include  
22 the hotel and commercial development as well as forty townhomes, and estimated this phase of the  
23 development could generate approximately \$180,000 in new revenues for the Town through sales and  
24 short-term rental taxes by the end of 2025.

25 Mr. Sapp reported the well utilized by the existing home on the western parcel of the property was  
26 also a potential source of another 80-acre feet of water for the development, however work with the  
27 Town and JSSD would be required to ensure it satisfied municipal safety standards for broader use.  
28 He stated the combination of the secured water rights and existing well would supply sufficient water  
29 for the development which was estimated as 85-acre feet for culinary use and 45-acre feet for  
30 landscape irrigation use.

31 Town Planner Thomas Eddington reviewed highlights from the Staff Report which was included in  
32 the meeting materials. The proposed development is situated on approximately 112 acres and is  
33 currently zoned as Mountain Residential (MR). He summarized the comments previously provided by  
34 the Planning Commissioners, noted the proposed housing units and commercial square footage and an  
35 overall reduction in proposed density for the project. He referred to the 40-acre western parcel of the  
36 development which included the existing home which the Hogan/Sapp team did not intend to develop  
37 but which could potentially accommodate 24 additional homes under the current Mountain Residential  
38 zoning. The proposed project reflected a development of 230 units on the eastern parcel and a “worst  
39 case” (most dense) scenario of 25 future units on the western parcel for a total maximum density of  
40 255 units.

1 Mr. Eddington discussed the Town's General Plan objectives which he encouraged the Planning  
2 Commissioners to consider in relation to their review of this concept plan. He also referred to the  
3 revised map of the proposed development which reflected more open space from the reduction of the  
4 planned casitas, a smaller amphitheater area, and the inclusion of cul-de-sacs in certain areas.

5 Ms. Hogan stated the revised plan included more mixed used commercial space which could  
6 accommodate a small market, café, restaurant, and retail businesses. She also discussed the planned  
7 event space (4,000-8,000 square feet) which would be separate from the hotel but located near the  
8 restaurant and could accommodate functions for 80-150 guests. She also noted the eight multi-family  
9 residential units which had been added above the retail space, the current proposal for the amphitheater  
10 which could accommodate 300-500 people with sufficient parking, and the addition of a third  
11 emergency access road from the western parcel.

12 In response to a question from Commissioner Jonathan Gunn regarding the steepness of slopes  
13 throughout the property, Mr. Sapp stated topographical details were included in one of the map  
14 exhibits and had been taken into consideration for building sites and roads. He noted the existing  
15 access road from the Golden Eagle subdivision was already constructed but exceeded a 30% grade in  
16 sections.

17 Commissioner Gunn asked for additional information on what work would be needed to utilize the  
18 existing well for broader use in the development. Mr. Sapp stated the water would need to meet  
19 municipal water quality and safety standards and a 500,000-gallon holding tank would be required, in  
20 addition to other testing requirements and ongoing maintenance.

21 Commissioner Peter Ginsberg asked if the Casitas would be managed as part of the hotel. Ms. Hogan  
22 responded the Casita resort would be a separate resort from the hotel and managed by the development  
23 team. She also noted the contract with the hotel developer would be finalized upon the Town's  
24 approval of the concept plan. Commissioner Ginsberg asked if the developers viewed the Black Rock  
25 hotel as a comparable property to the proposed hotel. Mr. Sapp responded he expected this hotel to  
26 have a lower room rate than Black Rock given the more limited planned services.

27 Commissioner Rachel Cooper asked for more information on the proposed multi-family units to be  
28 included above the commercial space. Mr. Sapp responded the current plan was for two residential  
29 units per building, possibly to be purchased or leased along with the commercial space below.  
30 Commissioner Cooper suggested the team consider including more apartments above the commercial  
31 space which could support the viability of the commercial businesses.

32 Commissioner Gunn asked whether the roads would be public or private. Ms. Hogan reviewed the  
33 plans for both the roads and trails, which she noted would be a combination of private and public.

34 Commissioner Joel Pieper asked if there would be a check-in facility for the Casita resort. Ms. Hogan  
35 responded this location had not yet been finalized. Commissioner Cooper asked for more information  
36 on parking for the amphitheater and commercial areas. Ms. Hogan responded that traffic and parking  
37 studies were underway, and the plan included a public transit drop off area near the amphitheater and  
38 grass parking for approximately 100 cars. Ms. Hogan also noted the parking plan for the hotel and  
39 commercial areas would be determined based on total square footage and room count metrics.

40 Commissioner Gunn asked for more information on and timing of future phases. Ms. Hogan replied  
41 Phase 1 would include infrastructure, the Public Infrastructure District (PID) and construction of the  
42 hotel and some commercial which could open for the 2025 winter season. Phase 2 would include  
43 additional commercial development, some of the townhomes and five casitas as the concept test for

1 the Casita resort. Phase 3 would include additional townhomes and commercial, the remaining casitas  
2 and single-family homes. Mr. Sapp added the timing for various commercial components could change  
3 with the interest and timing of commercial partners.

4 Commissioner Gunn requested the infrastructure design include no above ground sewer stations. Mr.  
5 Sapp stated he was not knowledgeable about these engineering specifics but would not expect to have  
6 such structures as part of the development's design.

7 Commissioner Glynnis Tihansky asked about the intended plans for the amphitheater parking. Ms.  
8 Hogan highlighted the open space grass area that could support parking for amphitheater events. She  
9 added they envisioned hosting three to seven summer community events in partnership with the Town.

10 Commissioner Tihansky asked what steps would be involved to approve nightly rentals for this  
11 development. Mr. Eddington responded a Short-Term Rental Overlay would have to be part of the  
12 rezone application to allow short term rentals on the entire 72-acre parcel of the development and that  
13 he was currently working on a Short-Term Rental Overlay ordinance for the Town as nothing was  
14 currently in place to allow short-term rentals. Ms. Hogan added the concept for the development was  
15 to create a resort rather than a residential community, with the intention of all the homes to be available  
16 for short-term rentals. Mr. Eddington confirmed the zoning would need to be changed from the current  
17 Mountain Residential zone.

18 Commissioner Tihansky asked if the rezone request would include the western parcel. Ms. Hogan  
19 stated the purchases would be separate for the two parcels and there was no current plan to develop  
20 the western parcel beyond a potential barn and/or guest house for their personal use. Commissioner  
21 Gunn requested the western parcel remain zoned Mountain Residential until such time as this team or  
22 a potential future owner applied for a re-zone. Ms. Hogan agreed to this request.

23 Town Attorney Polly McClean asked for confirmation that the development and rezone applications  
24 would be solely related to the eastern parcel with the exception of trails entering the western parcel.  
25 She noted the Master Development Agreement could include restrictions on future development of the  
26 western parcel and overall density for the combined parcels.

27 Discussion ensued regarding connectivity across SR 248, potential traffic light locations, increased  
28 traffic volumes, and the possible need to lower speed limits. It was noted all of these items would need  
29 to be worked on in partnership with UDOT and were not within the developer's or Town's control.  
30 Ms. Hogan stated her team was open to partnering with the Town to find the best and safest solutions  
31 for connecting the development with the rest of the Town and would contribute a portion of the costs  
32 under a formula to be determined.

33 Mr. Eddington reminded the Planning Commissioners they were not being asked to vote on this  
34 concept plan at this meeting, but requested they provide general feedback on the project and any  
35 concerns they had.

36 Commissioner Tihansky stated she was supportive of the concept but would like to see a plan to  
37 connect the development across SR 248 with the other side of Town. She also stated she would not  
38 want to see 24 additional homes built on the western parcel. Commissioner Cooper agreed with  
39 Commissioner Tihansky's comments and added her preference for views to be maintained for the  
40 townhouse units.

Commissioner Gunn also stated he was supportive of the concept plan, with the caveat that water service be confirmed by JSSD. Commissioner Pieper added he had some concerns with the grass parking area near the amphitheater and suggested all the casitas all be located in one area rather than separating five as currently proposed. Chair Matyszczyk stated he was comfortable with the concept as long as the western parcel was not developed further under this application.

Ms. Hogan and Mr. Sapp thanked the Planning Commissioners for their feedback and were excused from the meeting at 6:51 PM.

*Clerk's Note: Chair Matyszczyk requested the posted agenda order change to discuss the Public Hearing items related to Deer Springs Cottages next.*

## **V. Public Hearings**

- 1. Discuss and possibly make a recommendation to the Hideout Town Council regarding adopting Chapter 12.25 Short Term Rental Overlay Zone which is an overlay zone which allows short term rentals within the overlay zone**
- 2. Discuss and possibly make a recommendation to the Hideout Town Council regarding an amendment of the Official Town of Hideout Zoning Map to apply the Short-Term Rental Overlay Zone to parcel 00-0021-3164 (the "Deer Springs Cottages") which has an underlying zone of Mountain (M) Zone**
- 3. Discuss and make a recommendation to Town Council regarding a final subdivision approval for the Deer Springs Cottages**

Chair Matyszczyk stated the discussion of the Short-Term Rental Overlay Zone (SRO) was connected with the Deer Springs Cottages subdivision approval and invited Mr. Nate Brockbank, developer of Deer Springs, to join the meeting. Mr. Eddington reviewed the Staff Report and reminded the Planning Commissioners the short-term rentals currently allowed in the KLAIM and part of Deer Springs Phase 1 developments predated the current Town ordinance and the Master Homeowners Association (HOA) rules had never allowed short-term rentals. The first discussion item was regarding the option of approving an overlay zone in which short term rentals could be allowed. He noted the previous discussions of the Deer Springs Cottages concept plan and the location of this development was separate from the existing Hideout subdivisions and would not have a negative impact on traffic. He suggested the Planning Commissioners consider the standards, criteria, and conditions they would like to see applied to an ordinance approving short term rentals in an overlay zone.

Mr. Brockbank reviewed his plans for the Deer Springs Cottages development which would be built explicitly as short-term rentals and shared his intention to share his portion of certain MIDA revenues from these rentals with the Town. Mr. Brockbank requested the short-term rental overlay zone be expanded from Phase 8 (the proposed cottages) to also include several units Deer Springs Phases 2A, 2B and 4, and noted this proposal and a financial study had been shared previously with the Town's Economic Development Committee (EDC). Mr. Brockbank added the feasibility of his sharing of a portion of his MIDA revenues with the Town would only work for him if the overlay zone could be expanded beyond Deer Springs Cottages (Phase 8).

1 Ms. McLean noted the posted agenda only included the inclusion of Deer Springs Cottages within  
2 the overlay zone, so an expanded overlay zone could be discussed at this time, but the matter would  
3 need to be re-noticed and voted on at a future date. Mr. Brockbank agreed it would be preferable to  
4 come back for approval of an expanded overlay zone and Deer Springs Cottages at a future date.

5 Commissioner Tihansky stated while the economic implications were not in the purview of the  
6 Planning Commission, she asked how a decision on the short-term rentals might impact future  
7 phases of the Deer Springs development. Mr. Brockbank responded he did not expect it to change  
8 sales prices for the units, however having the option for short-term rentals would be an attractive  
9 feature for the buyers. Commissioner Gunn requested more details and an updated map on an  
10 expanded overlay zone.

11 Mr. Eddington reviewed a proposed ordinance to approve short-term rentals and led a discussion of  
12 terms and conditions the Planning Commissioners would like to see included. Discussion ensued  
13 regarding proposed rental terms, with a consensus that a minimum four-day stay would be  
14 preferable; clarification of size of units which could be rented; potential citations and fines for  
15 violations of the ordinance; and how the Town would monitor such rentals and collect taxes.

16 Chair Matyszczyk opened the floor for public input at 7:29 PM.

17 Mr. Jim Gruber, a resident of Deer Waters, shared his concerns with the potential for increased  
18 traffic and speeding with the approval of short-term rentals. Chair Matyszczyk asked if short-term  
19 rentals would lead to more traffic than full time resident occupancy. Commissioner Tihansky noted  
20 the Deer Springs Cottages rentals would be accessed primarily from Jordanelle Parkway and would  
21 not necessarily contribute to increased traffic through the other Hideout neighborhoods.

22 Commissioner Gunn asked if the proposed Deer Springs Cottages location might be better used for  
23 commercial development rather than more housing units. Mr. Brockbank noted the proposed plan  
24 did include 4,000 square feet of commercial space, but he did not intend to revise his plan to be  
25 solely commercial. If the Deer Springs Cottages development was not approved, he would proceed  
26 with the 30 townhomes originally approved for this phase.

27 There being no further public comment, the Public Hearing was closed at 7:44 PM.

28 Chair Matyszczyk stated the two matters related to approval of a Short-Term Rental overlay zone as  
29 well as the approval of the Deer Springs Cottages subdivision would be continued to a date uncertain.

#### 31 IV. Agenda Items (continued)

##### 33 **3. Discussion of a concept plan for a potential Town Center development (parcels 00-** 34 **0021-5232, 00-0021-5233, 00-0021-5234, and a portion of 00-0021-5231)**

35 Mr. Eddington reviewed a concept plan for a Town Center development on the 10-acre Town-owned  
36 parcel where the Public Works building was currently located. He noted such a development would  
37 require a rezone application and the relocation of the Public Works building to another site such as the  
38 Town-owned (+/- 7-acre) parcel below KLAIM where a potential fire station may also be located. He  
39 stated this was an early-stage concept and the property presented some challenging slope conditions.

1 The concept plan, as presented, included mixed-used commercial opportunities with space for some  
2 cafes or restaurants, Town Hall offices if needed, and even some upper-story residential space. The  
3 plan also considered the slope of the land indicating there could be ground level access along Shoreline  
4 Drive to buildings that step down to additional access points at the ground level elevation where the  
5 Public Works building was currently located.

6 Commissioner Gunn asked about the location of powerlines and easements. Mr. Eddington stated these  
7 details would be included in a future map. Commissioner Cooper asked whether this development  
8 would necessitate a traffic light at the Ross Creek entrance to SR 248. Mr. Eddington stated this would  
9 be evaluated.

10 Mr. Eddington stated he would continue to work on this concept plan and keep the Planning  
11 Commission informed.

12  
13 **4. Discussion of a concept plan for a potential development Hideout Point (parcel 00-**  
14 **0021-3176)**

15  
16 Chair Matyszczyk stated the applicant was not ready to present on this matter and it would be presented  
17 at a future date.

18  
19 **VI. Meeting Adjournment**

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

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

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26 The meeting adjourned at 8:00 PM.

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Kathleen Hopkins  
Deputy Recorder for Hideout

**File Attachments for Item:**

1. Discussion of a concept plan for a potential development Hideout Point (parcel 00-0021-3176)



## Staff Report for Hideout Point – Concept Plan Review

To: Chairman Tony Matyszczyk  
Town of Hideout Planning Commission

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

Re: Hideout Point Concept Plan

Date: Prepared for the April 17, 2023 Planning Commission Meeting

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Submittals: *Concept Plan Application, Concept Master Plan, and Plan Set (all dated March 9, 2023)*

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### Background

The Applicant is proposing a Concept Plan that would require a significant up-zoning from Mountain (M) residential to a commercial designation for the property – to allow commercial, garage/warehouse space, and nightly rental cabins. The property is two (2) acres in size and is located on the south side of the Deer Springs neighborhood – near the southern entrance on Belaview Way, a few blocks north of Shoreline Drive.

The proposed concept combines a mix of commercial uses, garage space and nightly rental cabins on the site with parking along Belaview Way. The site is situated across the street from single-family residential houses and townhomes that are part of Phase 1 of the Deer Springs neighborhood. The site is contiguous to, and just east of, the pending Creekside Application, a proposed single-family residential neighborhood.

The site has steep slopes on the west side that slope down to the drainage basin that feeds the duck pond in the Creekside area and ultimately drains into the Jordanelle Lake. This area, whether it remains residential or otherwise, must adhere to the Town's Sensitive Lands zoning requirements, which may limit current building envelopes, parking pads, and/or other land disturbances.

### Site Characteristics

Total Acres of Site: 2 Acres

Current Zoning: Mountain (M)

Allowed Density: One (1) unit per acre or a total of two (2) residential units

### **Proposed Concept**

Proposed Density: Six (6) units of flex commercial/shop space  
Two (2) units of garage/warehouse/storage space  
Five (5) nightly rental cabin units

- Total density for residential and commercial units equates to thirteen (13) units per acre or 6.5 units per acre. Residential density will be concentrated on the parcel on the south side. Removing the commercial area, parking area, and garage space from the density equation, the southern one (1) acre as proposed would have a density of five (5) units per acre.

### **Site Location** (proposed site in black)



### **2019 Hideout General Plan**

The vision statement for the General Plan indicates:



The General Plan recommends preservation of viewsheds, the natural environment, and land development at intensities appropriate to the site and respectful of the natural environment. This particular site, situated in an existing neighborhood and on steep slopes near a stream, does not adequately address these issues.

## Planning Issues & Concerns for Discussion

### Density

The proposed density (commercial and residential units is +/-650% of what is currently allowed. Where two (2) single-family units are permitted on one-acre lots, the Applicants propose thirteen (13) units or 6.5 units per acre. This project would be the densest project in the Town of Hideout and would require a significant up-zoning application which lends itself to a thorough discussion of the benefits and impacts associated with a conceptual up-zoning of such scale. A re-zone is a legislative decision by the Town which gives the Town discretion to grant it or not. The proposed density would be +/- 2.80 units/acre. By way of comparison, Deer Springs (97 acres) has a density of 2.57 units/acre and Lakeview (22.4 acres) has a density of 3.08 units/acre.

### Use and Site Impacts

The proposed mix of commercial, garage space and nightly rental cabins would not only require up-zoning the property, but nightly rentals are also not currently an allowed use in the Town of Hideout. There has been both Planning Commission and Town Council policy discussions regarding allowing nightly rentals in a few areas of Town, but the current



recommendation is that this would only apply to development in areas that are separate from existing neighborhoods given the impacts associated with nightly rentals.

Garage and/or storage spaces are not permitted within any commercial district designation. The Town's new zoning ordinance includes a Light Industrial (LI) designation, but it does not allow for storage facilities but does allow for maintenance facilities. The Applicant shall provide additional information regarding the proposed garage/storage/maintenance facility and the specifically identified use.

The Town is currently in the process of planning for a Town Center area on the Town-owned land on Shoreline Drive where it intersects with SR248. Commercial development activity in communities is much slower to develop (e.g., the rule of thumb is that retail follows rooftops and the Town currently has less than 700 rooftops) unless there is active participation by the local government entity. That process is currently underway on the Town-owned land and the Town is very focused on the +/-10 acres that are on the main entry road, Shoreline Drive, on the north side of Hideout. This area will require a significant amount of energy to ensure it creates the critical mass necessary for commercial/financial success.

#### Environmental Issues and Sensitive Lands

The site has areas with significant slope issues – some areas in excess of 20% and other areas in excess of 30%. The existing/native vegetation serves as a buffer offering erosion control and stormwater runoff filtration for runoff that drains into the creek located at the rear of this property. This creek drains into Jordanelle Lake and cannot be compromised by a reduction in buffer vegetation, filtration capacity, etc.

#### Access

The proposed site plan includes parking that backs out onto Belaview Way and presents safety issues. Any neighborhood commercial development would be required to have parking located in the rear with buildings fronting the road, with sidewalks installed, to ensure a pedestrian friendly setting.

#### Open Space, Buffers & Parks

The proposed development does not include any park or open space areas. The Applicant shall provide additional details regarding a small park location, protected open space, trails, etc.

#### Architecture and Design Standards

The Town has historically required adherence to design and development standards for major projects. The Town should adopt a set of commercial or mixed-use standards that will ensure quality development for any commercial development.



## **Recommendation and Next Steps**

The Planning Commission should review the Proposed Updated Concept plan and provide input to the Applicants. The Concept Plan application is an opportunity for the Planning Commission to provide input and weigh the anticipated benefits and impacts associated with the proposed development.

The Planning Commission should be prepared to provide direction to the Applicants. Commissioners should think about the impacts of an up-zone in this neighborhood area. What are the impacts to the currently proposed Town Center area on Shoreline Drive, the primary entry to the Town's neighborhoods on the north side? Environmental impacts must be considered in terms of traffic safety, excessive paved areas that increase stormwater runoff, nearby streams, etc. Issues relative to proximity to an existing residential neighborhood must be considered.

Any up-zoning must be consistent with the principles articulated in the General Plan. Staff does not recommend approval of the proposed Concept Plan for a number of reasons:

- The location of the proposed up-zone is directly adjacent to an existing neighborhood and a proposed single-family residential development/annexation.
- The site has very steep slopes and an environmental assessment of stormwater runoff is necessary; the stormwater impacts could negatively impact the stream behind this property.
- The density proposed for this residential property is too high for the site and in this residential location.
- The site has natural constraints, primarily topography, that make surface parking and ingress/egress a safety concern (e.g., cars backing out onto Belaview Way).

The Planning Commission should review this Staff Report, assess the analysis, and relay all concerns, impacts, and direction to the Applicant. The Planning Commission can either provide a negative recommendation with concerns/reasons outlined or a favorable recommendation with or without changes and/or conditions of approval.

# HIDEOUT POINT

## CONCEPT PLAN

### DESCRIPTION AND ANALYSIS

The proposed concept is for a mixed use development which combines neighborhood commercial, lodging, and residential uses into a single cohesive development. The project is intended as a transitional buffer between the Deer Springs high density residential project and the Town owned commercial and industrial use property.

#### *Concept Details:*

- 6 unit building of 'Flex-Commercial' space that is 2 levels from the road and a basement level in the rear with garage doors
- 2 unit building of 'Flex-Commercial' space set back behind that is 2 levels and has pull through garage doors on 2 sides
- 5 individual 'Cabin' units oriented to the lake views and designed to be used for overnight lodging

**'Flex-Commercial'** space is a shell that can be customized for multiple uses within each unit.

Neighborhood commercial uses will be allowed such as fitness, sports, retail, office, coffee/café, etc.

Industrial uses will be prohibited. A portion of each unit can be utilized as an apartment, loft, or single lodging unit. Units are 60' x 30' = 1,800 sq ft

**'Cabin'** units are designed as small homes that are geared toward vacation use rather than a traditional residential home or townhouse living. They are 2 levels and include a garage. Units are 80' x 18' = 1,440 sq ft

#### *Other Information:*

- Total Site Area = 2.0 acres
- Total Parking Spaces provided for 'Flex-Commercial' = 4 per unit
- Total 'ERU' Units = 7.35 units (8 x 0.5 eru/unit + 5 x 0.67 eru/unit)
- Total Proposed Buildings Footprint Area = 23,100 sq ft (24,000 sq ft currently allowed)

#### *Current Zoning and Allowable Use:*

- Existing Zoning = Mountain
- Allowable Density = 2 - one acre lots
- Allowable Building = Main Building and Accessory Building up to 12,000 sq ft building footprint total
- Total Allowable Buildings Footprint Area = 24,000 sq ft in four buildings



# LEGEND



JORDANELLE  
STATE PARK



HIGH WATER LINE



TOWN OF HIDEOUT  
PROPERTY

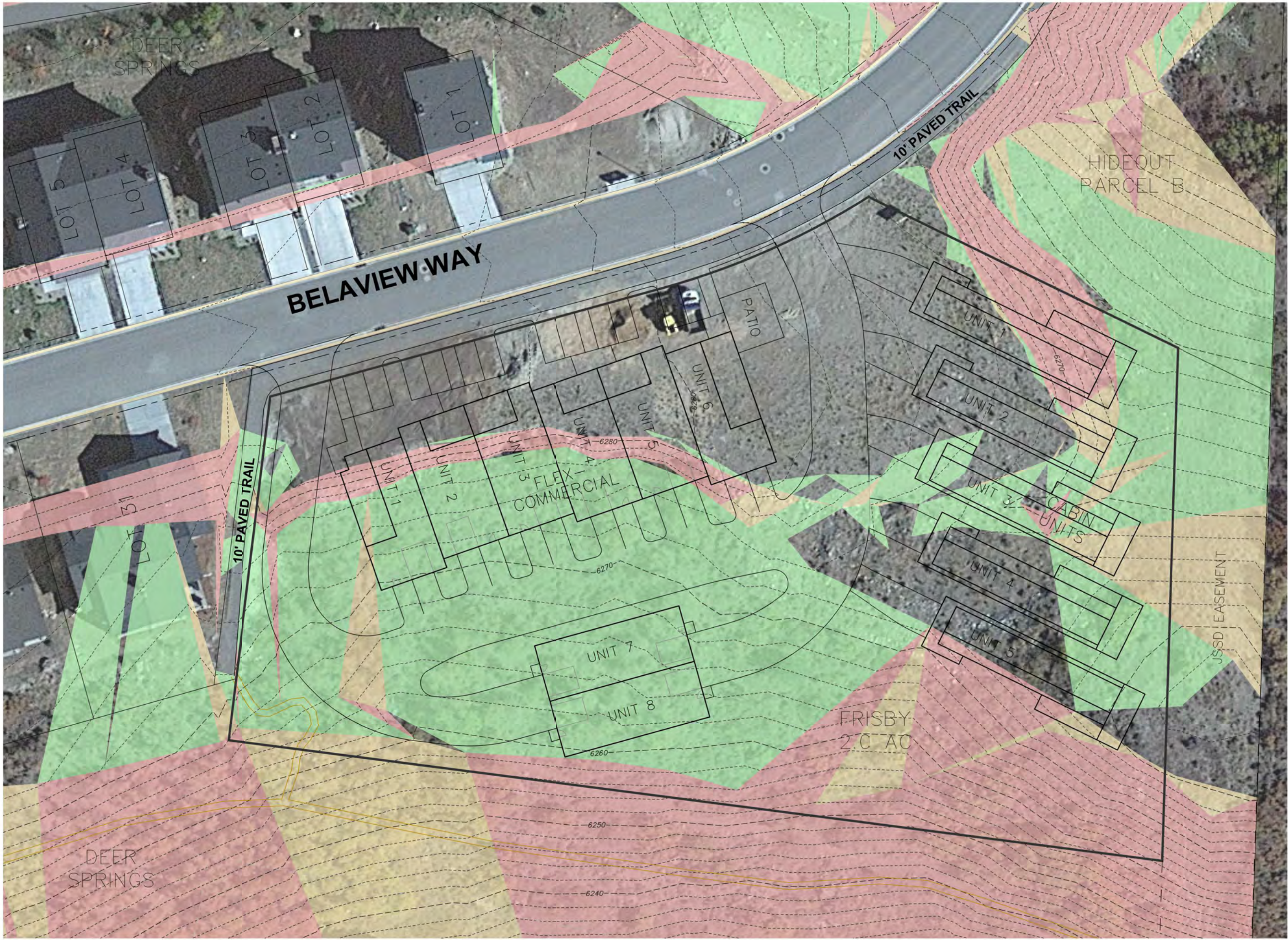


HIDEOUT POINT



OTHER  
OWNERSHIP





**SLOPE DATA**

Slopes Table		
Minimum Slope	Maximum Slope	Color
0.00%	10.00%	
10.00%	20.00%	
25.00%	30.00%	
30.00%	+	









# NEIGHBORHOOD COMMERCIAL

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POTENTIAL  
COMMERCIAL USES  
AND EXAMPLES



# 1- COFFEE SHOP / ICE CREAM / CAFÉ



## 2- PRIVATE GYM / YOGA STUDIO



### 3- HAIR & NAIL SALON / DAY SPA



## 4- ARTISAN STUDIO – POTTERY, ART, JEWELRY, ETC



## 5- RECREATIONAL SHOP – BIKE, WATER SPORTS, ETC



## 6- LIVE / WORK - SPACES



## FRISBY 2AC - 2019 HIDEOUT GENERAL PLAN - GOAL ANALYSIS

Goal Analysis Codes	M	Meets intent of the goal
	N	Neutral or no-impact to goal
	N/A	not applicable to the project
	A	Adversely impacts the goal

Land Use Goals		Code	Analysis
<b>Goal #1</b>	Preserve viewsheds	M	Project does not block major viewsheds. Adjacent Deer springs units are oriented towards Deer Valley. The 3 townhouse units across the street will be less impacted by lower building heights of the units than allowed under current zoning.
	Preserve green space	N or M	Project will not reduce green space from current zoning. It will provide for some common space and potential gathering spaces that could enhance usage of the thousands of acres of adjacent open space.
	Preserve the unique topogarchy	M	Project works with the existing topo of the property rather than mass grading a flat pad.
<b>Goal #2</b>	Manage the intensity of land use	M	Project will have less building footprint than is allowable under the current zoning while providing for uses that will enhance the community.
	Promote a mix of residential and commercial uses appropriate for the community	M+	Project is designed to integrate both commercial and residential uses and will be focused on providing appropriate neighborhood commercial uses that enhance the community.
<b>Housing Goals</b>			
<b>Goal #1</b>	Create an inviting neighborhood atmosphere	M	Project will be inviting to community and provide public gathering spaces that take advantage of the surrounding views.
<b>Goal #2</b>	Encourage a balanced mix of housing types	M	Project will provide housing types that are different from what is currently available in the area.
<b>Economic Development Goals</b>			
<b>Goal #1</b>	Encourage commercial uses to serve resident needs	M++	Project will provide the only commercial space in the Town currently.
<b>Goal #2</b>	Enhance public gathering spaces	M++	Project will be provide public gathering spaces that take advantage of the surrounding views.
	Enhance community connectivity	M	Project will enhance connectivity by providing walkable commercial located on the main paved trail path.
<b>Goal #3</b>	Encourage uses that are financially beneficial to the town	M++	Commercial and lodging uses will provide tax revenue to the community.
	Improve the quality of life	M	Project will provide walkable commercial uses and public gathering spaces.
	Generate income to maintain public infrastructure	M	Commercial and lodging uses will provide tax revenue to the community.
<b>Transporation Goals</b>			
<b>Goal #1</b>	Improve pedestrian connectivity	M	Improves connectivity by providing walkable commercial along main paved trail path.
	Improve bicycle infrastructure	M	Improves bicycle by providing commercial along main trail. Also potential bike shop or bike rental.
	Improve motor-vehicle facility connectivity	N	Project does not impact existing road connectivity. Project is appropriately located for vehicle access.
<b>Goal #2</b>	Map existing and planned trails	N/A	
	Improve quanity of trails	N	Project property is too small to provide additional trails beyond existing
	Improve the quality of trails	M	Improves trails by providing public gathering destination along trails.
<b>Goal #3</b>	Determine the ideal transit situation	N/A	
	Coordinate the Park City transit regularly	N/A	

<b>Goal #4</b>	Coordinate with UDOT on safety along SR-248	M	Project takes into account UDOT Access plan.
	Coordinate with UDOT on wildlife management along SR-248	N	Project is not located adjacent to SR-248.
<b>Public Facilities Goals</b>			
<b>Goal #1</b>	Create public spaces to congregate and recreate	M	Project will provide public gathering with outdoor seating coffee shop and other public uses.
	Promote development that helps create a Town center where residents can meet and congregate	M+	Project will add to the creation of a Ross Creek Town Center
<b>Goal #2</b>	Enhance and expand current utilities	N	Will utilize existing utilities
	Enhance and expand parks	N	Project is too small to provide park space. It will enhance surrounding open space.
	Meet with HOAs to make private trails public	N/A	
	Enhance and expand trails	M	Enhances trails by providing public gathering destination along trails.
	Expand telecommunications including broadband service	N	Will utilize existing utilities
<b>Goal #3</b>	Prioritize the maintenance, mapping, and improvement of existing infrastructure	N/A	
<b>Goal #4</b>	Negotiate with school districts so children can attend schools that will not require excessive commutes	N/A	
<b>Goal #5</b>	Create a Master Plan for the Town's trails, parks, and open space	N/A	
	Investigate possible access to public amenities	N/A	
<b>Environment Goals</b>			
<b>Goal #1</b>	Protect Hideout's stunning viewsheds	M	Project is designed to minimize visual impacts, integrate with the topo, and not impact view corridors.
	Mitigate potential natural hazards including fires	M	Will be designed to meet current fire code protection
	Mitigate pollution	M	Provides walkable destinations and will reduce vehicle trips to Park City or Kamas
	Monitor light, air, and noise pollution	N/A	
<b>Goal #2</b>	Organize community recycling efforts	N/A	
<b>Goal #3</b>	Encourage interaction with the natural beauty of Hideout	M	Public gathering spaces both indoor and outdoor are designed to utilize views and connection with environment.
<b>Goal #4</b>	Protect the local environment	M	Environmentally friendly modular building methods will be used for lodging units.
<b>Annexation Goals</b>		N/A	Property is already in Town limits

## **Response to Comments**

I don't feel that the existing zoning which allows for one acre estate lots is the right fit for this location. It is located between high density residential and the town maintenance yard at a major crossroads of Shoreline Dr / Belaview Wy / SR-248. There is a limited amount of land available in this area to support a town core – especially when considering the extent of Sensitive Lands in this area. The proposed project would also provide a positive economic impact to the Town.

I plan to be the builder and owner of a majority of the project. That would include opening a coffee and ice cream shop, which I think will be a benefit to the town by providing a gathering place to enjoy the Hideout views and atmosphere. It would also include operating a recreational business (boat sharing and outfitter excursions) out of the pull through units in the back.

The cabin units are expected to be the last phase of the project. If nightly rental are not allowable there are other options for this phase that could be considered such as a B&B lodge, or additional flex-commercial units instead.

### **Density**

There are many ways to look at the density of the project; Units, ERU's, Units per non-commercial area, etc. To me the best measure to consider is building mass (footprint, total sq ft, height, etc.). The proposed total building footprint is less than what is currently allowed for the base zoning density.

The building mass is less than what it would be for two large homes with accessory structures as allowed by code.

### **Adjacent Neighborhood**

The property is situated at the end of but adjacent to the High Density Deer Springs residential project. It is not adjacent to the proposed Creekside annexation. It is also adjacent to the Town industrial maintenance building and yard.

The driveway separating the development from the Deer Springs lots with the 10 ft. trail easement provides the same width as a road separating the developments. The driveway can be widened or a wall or landscape buffer could also be provided to create additional separation.

The driveway could also be made into a public road to provide access to the proposed annexation property.

### **Driveways and Parking**

The amount of parking provided in the concept plan is double the parking required for this type of development in Summit County. The parking along Belaview could be eliminated and still meet parking needs. We could also add some additional parking that would not back out onto Belaview.

The number of proposed head-in parking spaces along Belaview are comparable to the number and density of driveways along the rest of Belaview. The proposed 12 parking spaces are along Belaview in 220 ft of frontage. The existing townhouses have 12 driveway spaces within 245 ft. of frontage.

I believe the head-in parking should be allowed for convenience and since it is comparable to the existing driveways and therefore does not impact the safety and function of the road.

### **Sensitive Lands**

The proposed development meets the requirements of the Sensitive Lands ordinance. The land is overall relatively flat and slopes off steeply in only one corner of the property – which will be protected from disturbance. Drainage from the project will be treated on-site and released in an appropriate manner.

#### Land Slopes (% by Area)

32.5%	flat (less than 10% slope)
52.1%	mild slope (10% to 20% slope)
4.0%	moderate slope (25% to 30% slope)
11.4%	steep slope (over 30% slope)

DEER  
SPRINGS



HIDEOUT  
PARCEL B

BELAVIEW WAY

10' PAVED TRAIL

PATIO

UNIT 1

UNIT 2

UNIT 3

FLEX-  
COMMERCIAL

UNIT 4

UNIT 5

UNIT 6

UNIT 7

UNIT 8

UNIT 1

UNIT 2

UNIT 3

CABIN  
UNITS

UNIT 4

UNIT 5

FRISBY  
(2.0 ACRE)

JSSD

JORDANELLE  
STATE PARK

DEER  
SPRINGS



**LEGEND**



JORDANELLE  
STATE PARK



HIGH WATER LINE



TOWN OF HIDEOUT  
PROPERTY



HIDEOUT POINT



OTHER  
OWNERSHIP

**File Attachments for Item:**

2. Presentation and discussion of an updated concept plan and potential Annexation of the Benloch Ranch property



## Staff Review for Planning Commission

To: Chairman Tony Matyszczyk  
Town of Hideout Planning Commission

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

Re: Benloch Ranch – Petition to Annex – Concept Plan/Subdivision Review

Date: May 24, 2023

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*Submittals: The Applicant submitted an Application for Annexation with Conceptual Site Plans/Subdivision Layout for Review by the Planning Commission*

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### Project Background

In November 2022, the Applicant approached Hideout regarding possible annexation from Wasatch County into the Town of Hideout. Rather than begin with a request to expand the annexation declaration area and a very detailed annexation petition, Town Staff recommended the Applicant first present the overall Concept Plan to the Planning Commission and gather initial input and direction relative to next steps.

The Applicants submitted a very general Concept Plan and slide deck for the Planning Commission to review on December 1, 2022. The Applicants met with the Planning Commission at that time to present and answer questions. The Planning Commission generally recommended that the Applicants move forward with their Annexation Petition. On March 9, 2023, the Hideout Town Council voted to expand the Annexation Declaration Area to include the area where Benloch Ranch is located. They submitted the petition last month and are ready to present a more detailed Concept Plan, site plan, and 'concept subdivision' for the Planning Commission to review.

This is essentially a work session for the Commissioners to provide input. No vote will be taken at this meeting.

The proposed scale of the area under consideration is +/-2,300 acres. This project, from both a conceptual plan and/or an annexation perspective, will continue to require considerable collaboration with our partners in Wasatch County.

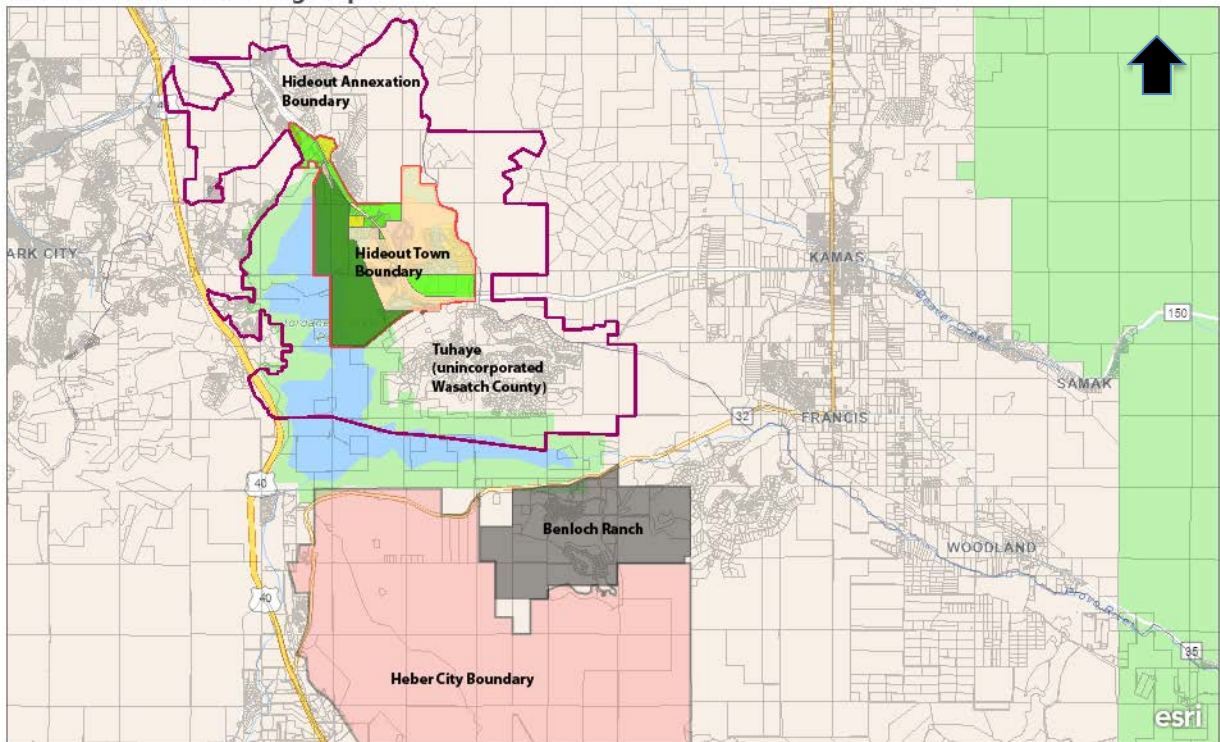


The following information is a very general overview of what the Applicant is proposing:

- 2,300 acres located southeast of Hideout (southeast of Tuhaye)
- > 1,500 Single-family units/Townhouse/Condo/Casitas
- > 300 hotel rooms and/or cabins for rent (nightly rentals)
- Golf Course and Lodge
- Community Lodge
- Kids Ranch (recreation and daycare facility)
- > 65,000 SF of commercial development

### Context – Approximate Benloch Ranch Site in Relation to Hideout

Town of Hideout Planning Map



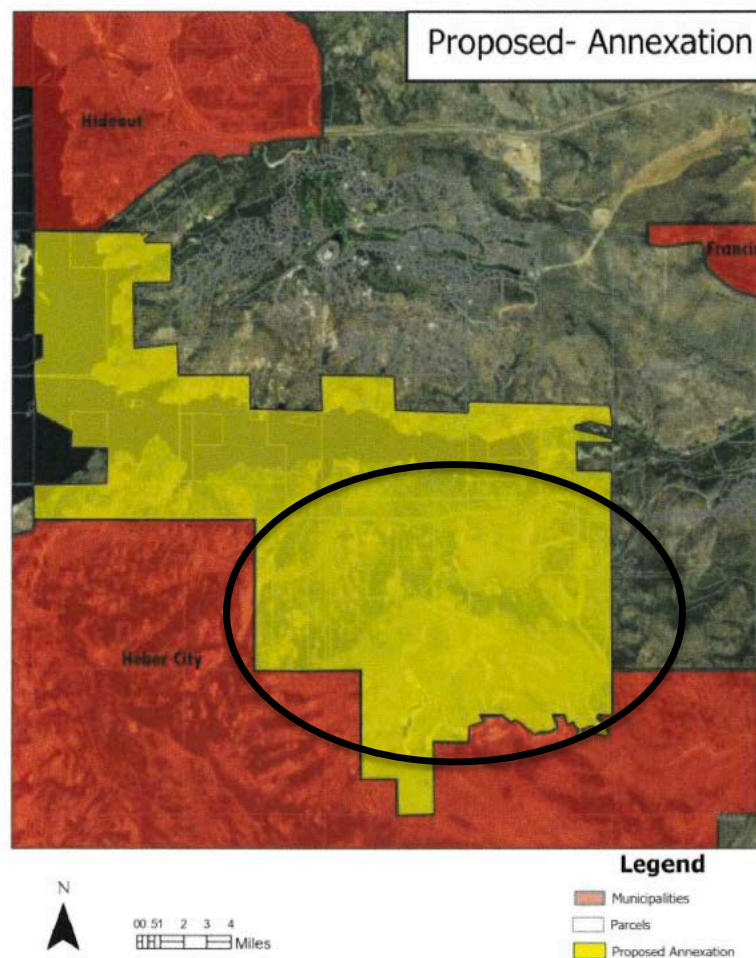
Planning map for the Town Of Hideout

Utah AGRC | Utah Geospatial Resource Center, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA

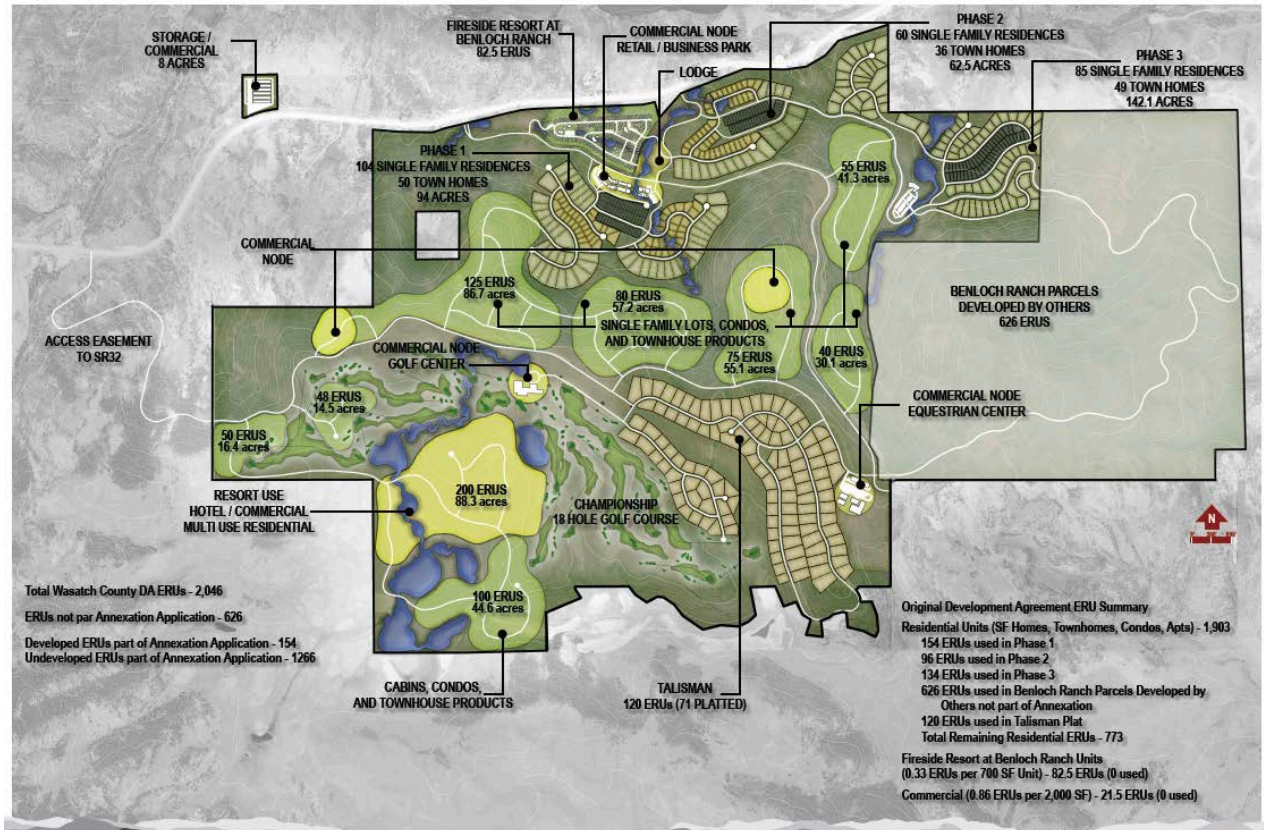


This meeting is to discuss the Concept Plan ('concept subdivision') only. This map is for information purposes only and will be discussed in detail at a subsequent meeting when the Planning Commission hears the public hearing for the proposed annexation.

### Proposed Annexation Area (Benloch Area Circled in Black)



## Concept Plan for Benloch Ranch



## Original Development Agreement ERU Summary

- Residential Units (SF Homes, Townhomes, Condos, Apartments) - 1,903 total units
  - 154 ERUs used in Phase 1
  - 96 ERUs used in Phase 2
  - 134 ERUs used in Phase 3
    - This appears to be outside of the proposed Annexation area; the Applicant must provide a map with the above Concept Plan overlaid on the proposed Annexation area
  - 626 ERUs used in Benloch Ranch Parcels
    - To be developed by others and not part of the proposed Annexation area; this should be clarified
  - 120 ERUs used in Talisman Plat



- The Applicant shall clarify whether this development is owned and proposed to be constructed by Benloch Ranch or whether this is a separate development
- Total Remaining Residential ERUs – 773
  - The Applicant should provide a recommended phasing plan for these areas and include this on the Concept Plan
- Fireside Resort at Benloch Ranch Units
  - (0.33 ERUs per 700 SF Unit) - 82.5 ERUs (0 used)
  - The Applicant shall clarify whether this development is owned and proposed to be constructed by Benloch Ranch or whether this is a separate development
- Commercial (0.86 ERUs per 2,000 SF) - 21.5 ERUs (0 used)
  - The Applicant shall provide the proposed timing for the development of the commercial area

#### **Additional Planning Issues for Discussion**

- The Applicant shall provide the Plan and density (ERUs) that are currently approved in Wasatch County and convey the specific deviations between that Plan and the proposed Plan's density numbers (ERUs) and/or design concepts.
- The Applicant must update the Phasing Plan and assign estimated dates – start to completion
- The Applicant should be prepared to discuss minimum lot sizes proposed for the single-family detached and townhouse units
- Is there any multi-family residential construction proposed and, if so, in what phase and/or location?
- A sidewalk and trail plan should be provided as part of the Concept Plan review
- The Applicant shall provide a topographic map with 2' contour intervals for each Phase and provide estimated retaining wall heights. The Town Code generally allows for one (1) six-foot-high retaining wall, stacked rock, or two five-foot-high retaining walls separated by five feet of horizontal space, and planted.

## General Plan Analysis

New development proposals and pending requests for annexation can have significant impacts on the community. As such, they must conform to the recommendations and requirements of the General Plan. The 2019 General Plan for Hideout includes the following Vision Statement:



The 2019 General Plan's Goals include:

<p><b>3.4.1 Hideout's land use goals are to:</b></p> <ol style="list-style-type: none"> <li>1. Preserve the viewsheds, green space, and unique topography by updating and enforcing a zoning code that reflects Hideout's Community Vision.</li> <li>2. Maintain the unique character of Hideout by managing intensity of land use and promoting a mix of residential and commercial uses appropriate for the community.</li> </ol>	<p><b>9.4.1 Hideout's annexation goals are to:</b></p> <ol style="list-style-type: none"> <li>1. Provide well-planned, fiscally responsible annexations based on Hideout's development needs.</li> <li>2. Pursue annexation to ensure development aligned with the Community Vision and other goals outlined in the General Plan.</li> </ol>	<p><b>4.5.1 Hideout's housing goals are to:</b></p> <ol style="list-style-type: none"> <li>1. Create an inviting neighborhood atmosphere by implementing design standards to coordinate the aesthetic and cohesiveness of the built environment.</li> <li>2. Encourage a balanced mix of housing types to provide desirable options for current and potential residents.</li> </ol>	<p><b>5.4.1 Hideout's economic development goals are to:</b></p> <ol style="list-style-type: none"> <li>1. Increase the livability of Hideout by encouraging appropriate commercial uses to serve resident needs.</li> <li>2. Coordinate with local developers to enhance public gathering spaces and community connectivity.</li> <li>3. Encourage commercial uses that are financially beneficial to the Town to improve resident quality of life and generate revenue to expand and maintain public infrastructure.</li> </ol>
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The Planning Commission must review the Town of Hideout's General Plan and determine that the proposed Concept Plan request meets the intent and goals of the General Plan.

### **Recommendations and Next Steps**

The Planning Commission should be prepared to discuss the proposed Concept Plan that has been updated with additional specificity. Any input or questions regarding the project and the proposed land uses and densities, as well as additionally desired information should be conveyed at the meeting.

There are some additionally requested materials that the Applicant must provide and include but are not limited to the following:

- A comparison of the approved Plan and ERU density in Wasatch County with the proposed Plan and ERU density.
- Updated phasing plans clearly illustrated on the Concept Plan.
- Estimated timeline for construction of each Phase.

Ultimately, the Planning Commission should be prepared to direct Town Staff to continue working with the Applicant if the overall components of the Concept Plan are favorably received. Conversely, the Planning Commission may recommend that Staff coordinate revisions to the overall design and/or recommend that Staff discontinue discussions with the Applicant.

Subject to the Planning Commission's general understanding and acceptance of the Concept Plan at this point in time, the Applicant plans to attend the next Planning Commission meeting and begin the public hearing process required to pursue annexation into the Town.

**File Attachments for Item:**

1. Discuss and make a recommendation to Town Council regarding an amendment of the Official Town of Hideout Zoning Map to rezone parcels 00-0020-8182 and 00-0020-8184 (the **“Bloom in Hideout”** Development) from Mountain (M) zone to Neighborhood Mixed Use (NMU), Residential 3 (R3), Residential 6 (R6), Mountain Residential (MR), Residential 20 (R20), and Neighborhood Preservation (NP)



## Staff Report for The Bloom – Rezoning Request and Plan Review

To: Chairman Tony Matyszczyk  
Town of Hideout Planning Commission

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

Re: Bloom Re-Zone Request for the Salzman Property

Date: Prepared for the May 24, 2023 Planning Commission Meeting

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*Submittals: Rezone Application with associated documents including Rezone Breakdown map, zoning language requests for revisions, Concept Vision, etc. (all submitted and dated April 21, 2023)*

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### Introduction and Background

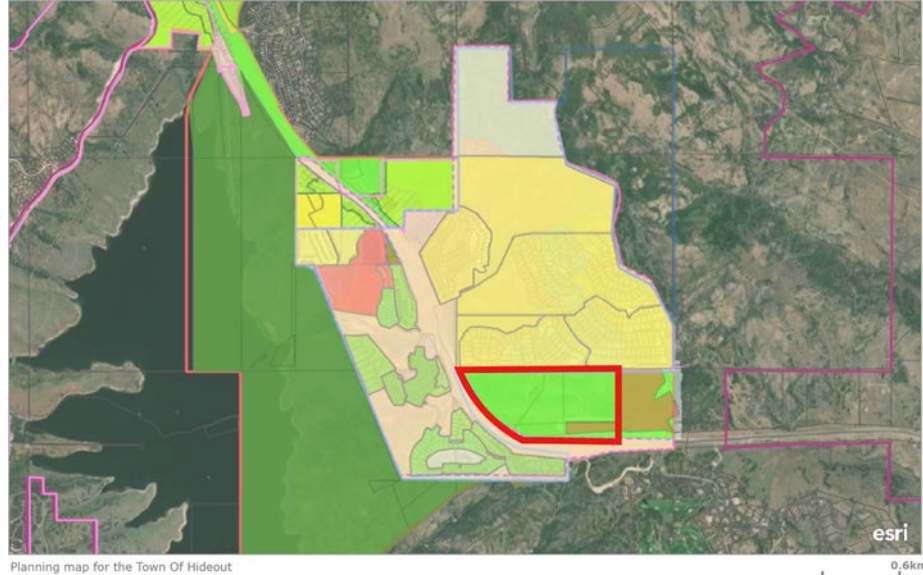
The Planning Commission approved a Concept Plan for the Bloom development (located on the +/-112-acre Salzman property) on April 17, 2023. The current proposal is a request to rezone the property with a proposed Development Agreement, the next step in the process to ultimately arrive at the preliminary and final subdivision review with the Planning Commission and Town Council.

The proposed rezone generally requests the following:

- The +/-40-acre site/parcel that surrounds the house is proposed to remain zoned Mountain (M) – minimum lot size of one acre for residential single-family use (this zoning classification is part of the Former Town Code)
- The remainder of the site is proposed as a mix of zoning districts (all from the New Town Code):
  - Neighborhood Mixed Use (NMU) – for the hotel and commercial area
  - Mountain Residential (MR) – for the proposed two (2) estate lots
  - Residential 3 (R3) – for the proposed fourteen (14) single-family detached units (maximum three per acre)
  - Residential 6 (R6) – for the proposed ninety-six (96) townhomes (maximum six per acre)
  - \*Newly proposed zone – Residential Casita (RC) – for the proposed 50 casitas
  - Natural Preservation (NP) – for the open space, parkland, and amphitheatre

**Site Location** (proposed site in red outline)

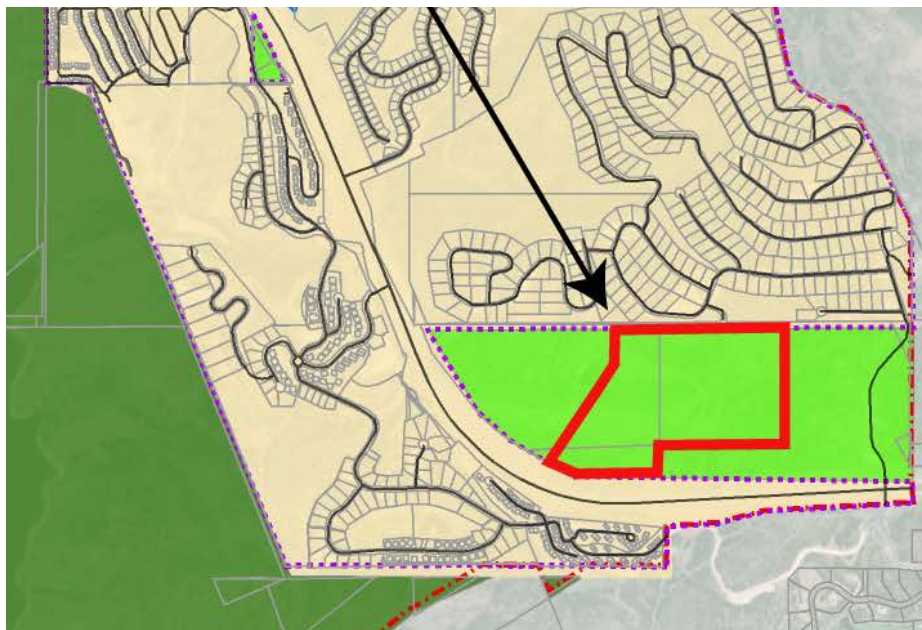
Town of Hideout Planning Map



Planning map for the Town Of Hideout

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community | Utah AGRC

**Portion of Site Proposed for Rezoning Classification**





### Existing Site Characteristics

Total Acres of Site: +/-112 Acres

Current Zoning: Mountain (M)

Allowed Density: One (1) unit per acre, or approximately 85 – 100 units after road infrastructure is built and steep slopes preserved.

### Proposed Concept Plan

The Applicants originally proposed +/-318 residential units on the +/-70 acres that make up the eastern part of the site. 20,000 – 25,000 SF of neighborhood commercial space was also originally proposed. Based on input from the Planning Commission, the following represents the newly proposed and scaled-down version of the Applicant's Concept Plan.

#### Concept Density: East Parcel:

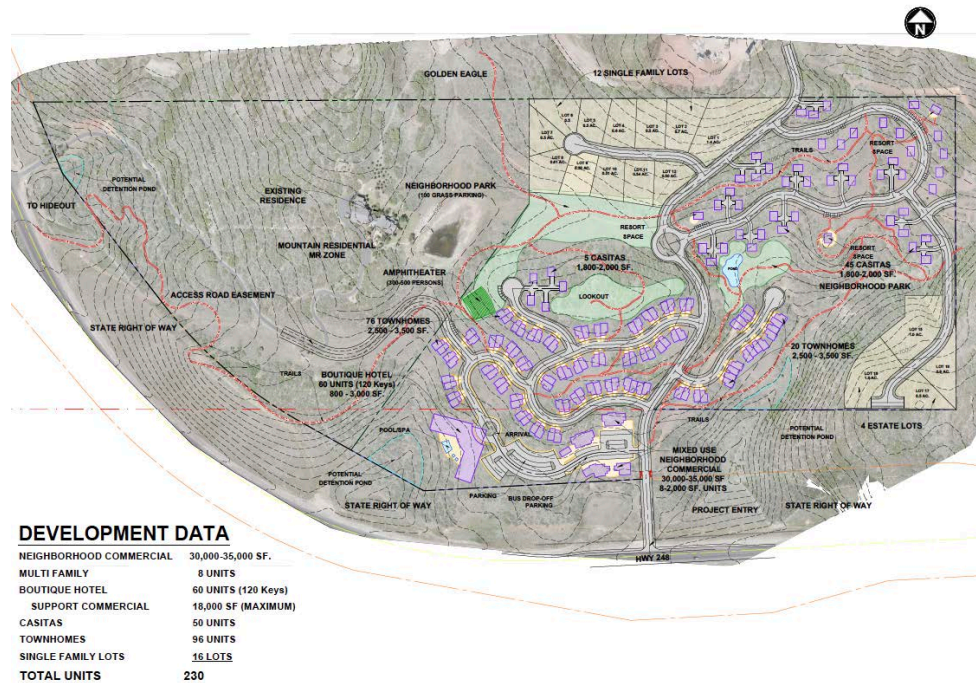
230 units primarily concentrated on the +/-70 acres that make up the eastern part of the site. 30,000 – 35,000 SF of neighborhood commercial space is also proposed. The units are generally designated for the following use and housing types:

- Neighborhood Commercial: 30,000 – 35,000 SF
- Multi-family: 8 units
- Boutique Hotel: 60 units (120 keys w/lockout units)
- Casitas: 50 units
- Townhomes: 96 units
- Single-Family Lots: 16 lots (2 estate lots and 14 standard lots)

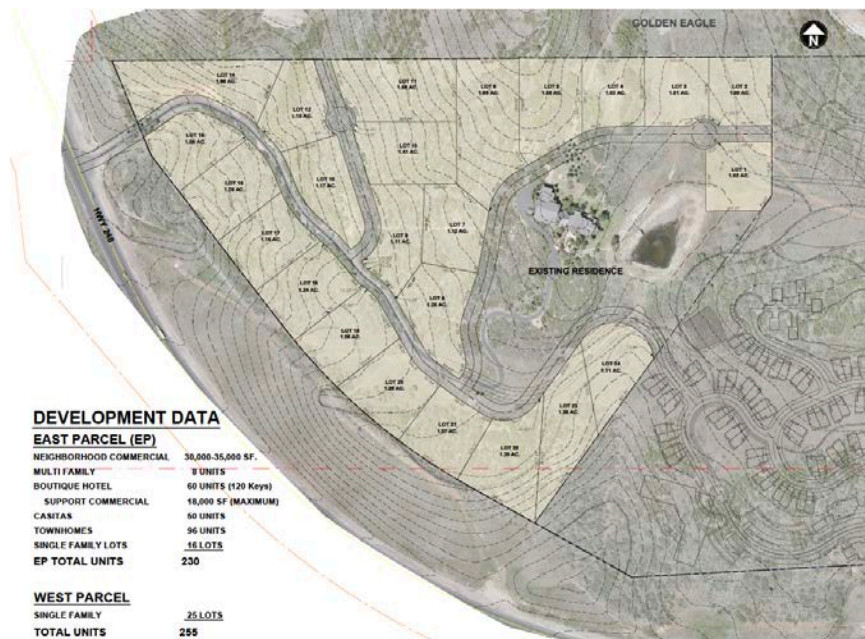
#### West Parcel (w/ Existing House):

- Single-family Lots: 25 (maintain existing Mountain [M] zoning with one-acre minimum lot sizes)

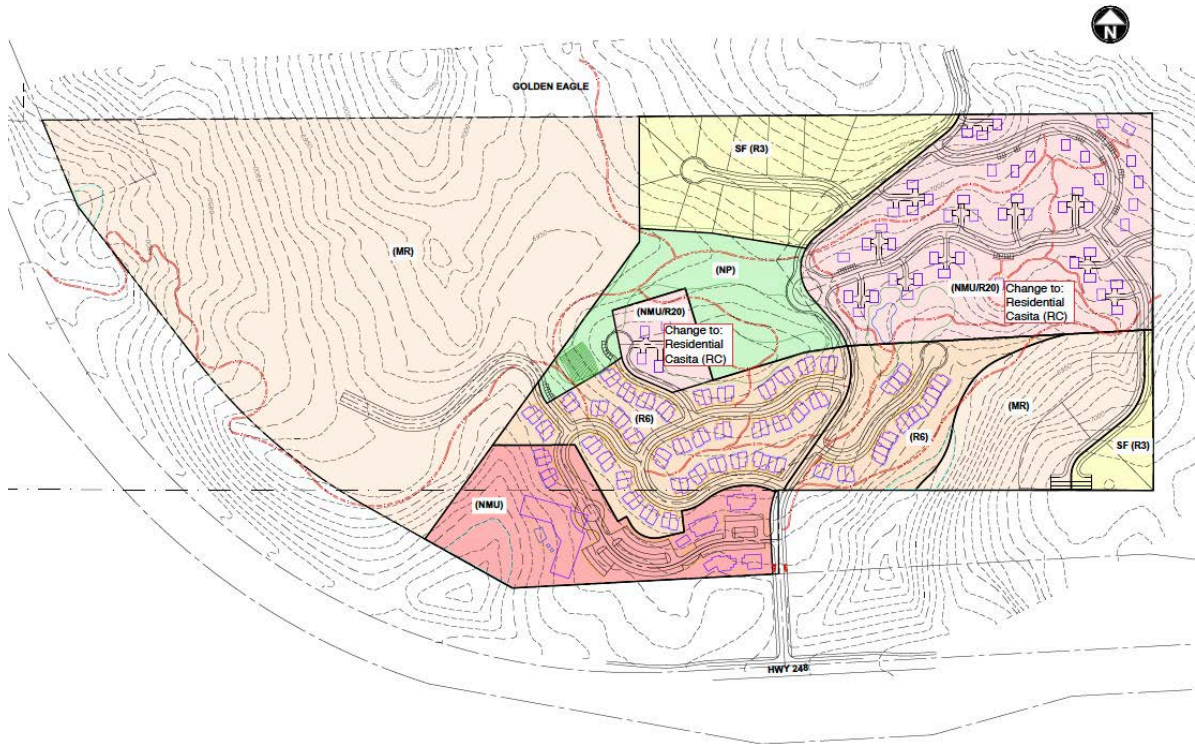
## The Bloom Concept Plan – East Parcel (April 2023)



## Existing, or West Parcel, Concept Plan (April 2023) – No Proposed Zoning Changes



## Concept Plan Illustrating Proposed Zoning Changes



### Planning Issues for Discussion

- The Town's current zoning code does not have a Residential Casita (RC) zoning classification. The following is a recommended zoning classification that the Town staff recommends and would have to be approved by both the Planning Commission and Town Council. This would be a separate approval that is done by way of a public hearing and noticing for a revision to the Town's existing Zoning Ordinance:

#### *Residential Casita (RC)*

*The RC Classification is provided to allow for small casitas (or bungalows or cottages) as an additional room type for a hotel, other lodging, timeshare or other shared use facility in a planned mixed-use development. The RC Classification is only available if it is designed as an additional product to such a facility.*



1. *Permitted Uses. Permitted uses within the RC Classification include hospitality and short-term rental, timeshare or other shared use facilities, recreational, or hospitality support.*
2. *Density per Acre. The maximum Gross Density allowable for this Zone is 20 Units per acre.*
3. *Building Height. The maximum allowable building height is 25 feet and the maximum number of stories is two (2) stories.*
4. *Setbacks. Property line setbacks for the HC Classification are 25 feet for the rear yard and 25 feet for the front yard. Side yard setback requirements shall be 15 feet each.*

*Additional Allowances for Consideration:*

- *No garage needed, but a minimum of one (1) parking space per bedroom*
  - *Shared driveway allowed; subject to Town Planner and Town Engineer review and approval*
  - *Permitted driveway material: asphalt, concrete or gravel*
  - *Maintenance Facility will be permitted (less than 1,500 SF)*
  - *Swimming Pool/Bathhouse will be permitted*
  - *Fitness/Wellness Center will be permitted (less than 2,500 SF)*
  - *Restaurants will be permitted (less than 1,500 SF)*
- The Applicants have requested that the following language be included in the MDA:
    - Short-Term Rental (< 30 days) allowed
      - Currently short-term rentals (<30 days) are not permitted in the Town per the Zoning Ordinance. The Planning Commission and Town Council are currently reviewing revised code amendments that may allow nightly or short-term rentals.
    - Ability to allow a flat roof (at a 2:12 pitch)
      - Roof pitch variation is generally encouraged and such standards are appropriate for inclusion in the MDA. While the allowance for some flat roofs should be considered, a maximum percentage of all structures with flat roofs should be included. 20% - 25% for example.
    - Swimming Pool/Bathhouse allowed in the residential districts (R3, R6 and RC)
      - This allowance can be included in the MDA
    - All other Zoning Ordinance requirements will remain in effect



### **Next Steps**

The Planning Commission should review the proposed rezone request and provide input to the Applicants. Before a final vote is determined, the Town Attorney, Town Planner and the Applicants

have to finalize a Master Development Agreement (MDA) that clearly outlines the details of what is and is not allowed within the proposed master development, specifically if there are uses or area and bulk standards that will vary from the strict zoning code requirements. This application should be continued to the next meeting.

**File Attachments for Item:**

1. Discussion of a potential Overlay Zone to allow for nightly rentals



## **Staff Report for Consideration of a Short-term Rental Overlay (SRO) Ordinance in Hideout**

To: Chairman Tony Matyszczyk  
Town of Hideout Council

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

Re: Short-term Rental Overlay (SRO) Ordinance – Work-Session

Date: May 24, 2023 Planning Commission Meeting

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### *Prior Submittals and Staff Reports:*

*October 15, 2022 – Planning Commission*

*November 10, 2022 – Town Council*

*January 12, 2023 – Town Council*

*April 17, 2023 – Planning Commission (initial hearing)*

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### **Background**

The Town Council had a brief discussion regarding nightly rentals (short-term rentals of less than 30 days) on November 10, 2022 and followed up with a second meeting on January 12, 2023. These policy discussions followed a request from Nate Brockbank to revise Phase #8 of the Deer Springs development and replace townhouses with cottages that could be used as nightly rentals. On April 17, 2023, the Planning Commission heard recommendations to amend the Town's Zoning Ordinance to create an overlay district that discussed criteria that are conducive for short term rentals.

Staff recommends the Planning Commission and Town Council now consider a Short-term Rental Overlay (SRO) ordinance and focus only on the requirements, standards, and conditions of such ordinance. No map or specifically defined area is proposed as part of this Ordinance update. If this is ultimately adopted, then qualifying developments may apply to rezone and have this overlay district applied to their existing underlying zone designation. This would require a public hearing at the Planning Commission and Town Council, exactly as a traditional rezone request does.

### **Current Short-term (Nightly) Rental Standards in Hideout**

Nightly 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 nightly 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 nightly 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 nightly rentals (short term rentals) within the association.

### **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**

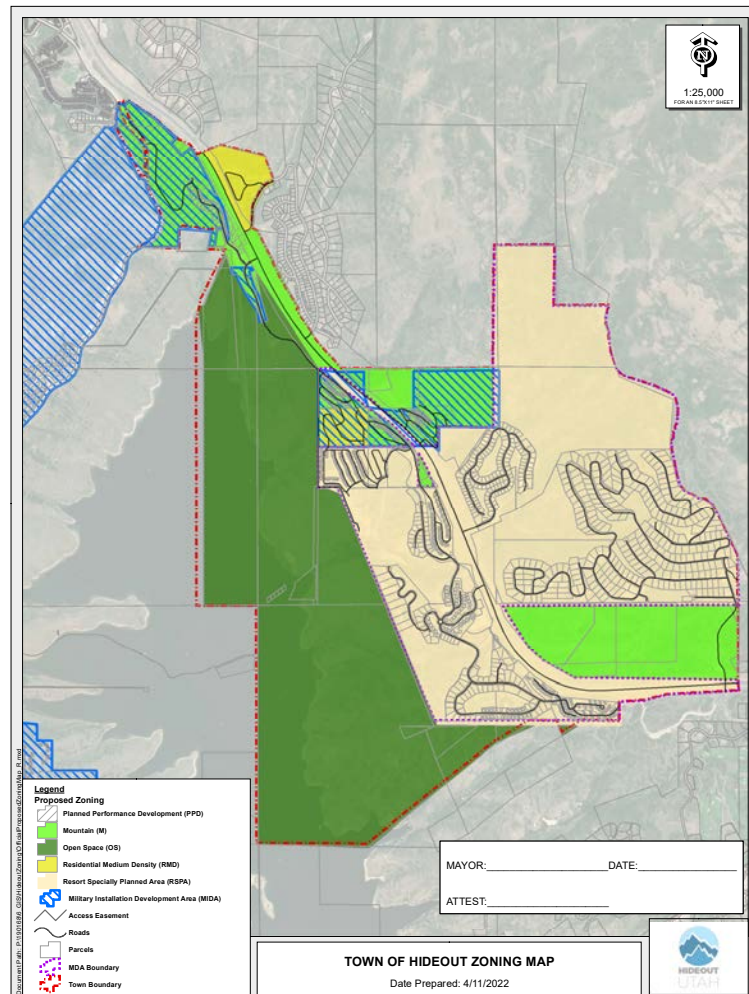


*For purposes of prosecution of violations of this chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation.*

### Council and Planning Input to Date

At the Council's November 10, 2022 and January 12, 2023 meetings, councilmembers were generally favorable to the concept of a 'trial' nightly rental district within the Town as long as there were criteria in place to ensure any and all negative impacts were mitigated. Councilmembers also felt strongly that nightly rentals did not belong in existing residential neighborhoods.

### Hideout Zoning Map (The area within the beige/RSPA zoning has HOA restrictions that prohibit nightly rentals)



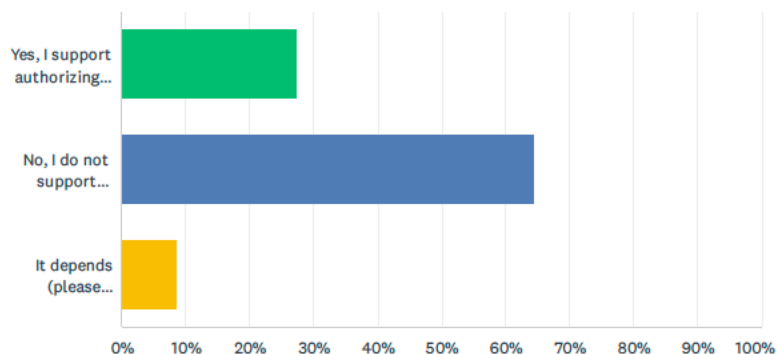


## Public Input to Date

The following graph and table outline the results of the Community Survey that was conducted in June 2022.

**Q6 Should the Town Authorize Additional Nightly Rentals of Private Homes? Should the Town authorize nightly rentals in private homes throughout the Town (except where prohibited by deed or HOA restrictions) which could reduce annual property taxes?**

Answered: 331 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes, I support authorizing nightly rentals.	27.19%	90
No, I do not support authorizing nightly rentals.	64.35%	213
It depends (please explain):	8.46%	28
TOTAL		331

The community's input clearly indicates a lack of support for nightly rentals 'throughout the Town.' What was not clear from the survey was the community's level of support, or lack thereof, for nightly rentals in a yet-to-be-built neighborhood and/or one that is geographically separated from existing and established neighborhoods. The proposed Deer Spring Cottages are located across the Jordanelle Parkway and are not contiguous to any neighborhoods or residential development. This development, if approved as a Short-term Rental Overlay (SRO) zoning designation, would be the first of its kind in the Town and would be a neighborhood that is planned and designed to accommodate visitors – one that essentially functions as a resort.

## Fiscal Opportunities for the Town of Hideout

The Town Council considered the fiscal benefits of site-specific short-term rental overlay districts during their policy discussion in January 2023. The Town's portion of property taxes makes up a very small percentage of a property's total tax bill. Sales tax and transient room taxes offer increased fiscal benefits to the Town's revenues. Rob Sant, a financial consultant who has done considerable work for Hideout, is currently preparing a detailed financial analysis to determine the economic benefits of a short-term rental district. His initial analysis suggests the sales and resort taxes from +/- 30 units in this location could generate an additional +/- \$70,000 annually in sales and resort taxes for the Town. This number/analysis is preliminary and a more thorough analysis will be completed prior to any final action. The issue that has to be addressed is to ensure these revenues are independent of what MIDA collects. While the Planning Commission doesn't make land use decisions based on economics, the Town Council has asked the Applicant to provide detailed financial analysis.

## 2019 Hideout General Plan

The vision statement for the General Plan indicates:



The proposed Short-term Rental Overlay (SRO) zoning designation, in an area that is fully separated from existing residential development, generally meets the vision statement in the General Plan. It is worth noting the very detailed criteria outlined in the draft ordinance (see below) ensure the proposed zoning language meets the intent of the General Plan – locational requirements, unit size limits, occupancy limits, etc.



## **Proposed Draft Short-term Rental Overlay (SRO) Ordinance**

### **12.25.02 PURPOSE**

The Short-term Rental Overlay (SRO) Zone is established to promote short term rentals (stays of less than 30 days) while ensuring a cohesive neighborhood environment.

### **12.25.04 LAND USES & DIMENSIONAL STANDARDS**

With the exception of the Land Use Table and the reference to 'Short-term Rental (<30 days)', all of the underlying zoning designation standards, and associated dimensional standards, remain in place and must be adhered to.

### **12.25.06 CRITERIA FOR THE SHORT-TERM RENTAL OVERLAY DISTRICT**

The following criteria must be satisfied prior to the Town awarding any Certificates of Occupancy (CO) for any development designated as a Short-term Rental Overlay (SRO) Zone:

- A. All requirements of Section 4.07 must be satisfactorily addressed.
- B. No Short-term Rental Overlay (SRO) Zone may be located in an established residential neighborhood.
- C. Nightly rentals shall be limited to dwellings of less than 2,000 gross square feet.
- D. All nightly rentals must be for a minimum period of four consecutive days. This must be included on all advertising materials.
- E. No more than six (6) persons may stay overnight in a single unit (e.g., apartment, condo, cottage, single-family residence, etc.) at any one time. This must be included on all advertising materials.
- F. No more than two (2) automobiles are allowed to park on the property at any time. This must be included on all advertising materials.
  - a. An exception to this limit can be made if adequate visitor parking is provided within five-hundred feet (500') of the nightly rental unit.
- G. All nightly rental contracts must include a copy of Hideout's trash, parking and noise ordinances and a 'Good Neighbor Brochure' that summarizes these requirements and what is expected of the renter. These documents must be clearly posted in the rental unit at all times.

- H. The owner of the nightly rental unit agrees to allow the Town's Building Inspector or designee to conduct an annual walk-through inspection of each rental unit to ensure compliance with all Town health, safety and welfare requirements. This review will also include an assessment of local government and/or local service district responses to the property. If three (3) substantiated complaints (e.g., police, fire, or similar emergency management services) relative to a property within a 24-month period are confirmed, the nightly rental may be revoked for a period of up to one (1) year.

#### **Additional Criteria for Discussion**

- Does the Planning Commission wish to see an affordable housing requirement for short-term rental districts? Typically, these requirements range from 10% to 15% of the total number of units.
- Is the Planning Commission interested in considering the adoption of a penalty structure that adequately incentivizes short-term landlords to comply with the adopted regulations?
- Are additional parking requirements something the Planning Commission believes should be further explored? Often parking requirements is based upon number of bedrooms.
- Should a commercial component be a requirement for a short-term rental development? Essentially, should some commercial on-site amenities be included (e.g., a café, small convenience store, etc.)? Or should a fee-in-lieu be provided to fund a commercial development nearby?
- Are there additional components the Planning Commission would like to see incorporated into the proposed SRO?

#### **Recommendation**

This proposed ordinance is not site specific but rather provides the Town a methodology to consider allowing short-term rentals in existing or future developments. The developer would have to apply for this overlay zoning designation.

The Planning Commission should review the proposed draft Short-term Rental Overlay (SRO) zoning ordinance and consider making a recommendation to the Town Council. If the Planning Commission considers a favorable recommendation or one with conditions, those conditions or any additional revisions to that language should be part of the recommendation. If the Planning Commission makes a negative recommendation to the Town Council, the reasons for such should be provided.