

Minutes
Town of Hideout Planning Commission
Regular Meeting and Public Hearing (Rescheduled)
August 24, 2023
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on August 24, 2023 at 6:00 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 6:04 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 Peter Ginsberg (alternate) (joined at 6:06 PM)
Commissioner Joel Pieper (alternate)

EXCUSED:

Commissioner Glynnis Tihansky
Commissioner Donna Turner

STAFF PRESENT:

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

OTHERS IN ATTENDANCE: Dawn Faulconer, Nate Brockbank, Walter Plumb, Wally Dodds, Carol Tomas and others who may not have signed in using proper names in Zoom.

III. Approval of Meeting Minutes

1. July 20, 2023 Planning Commission Minutes DRAFT

There were no comments on the July 20, 2023 draft minutes.

Motion: Commissioner Gunn made the motion to approve the July 20, 2023 Planning Commission Minutes. Commissioner Cooper made the second. Voting Yes: Commissioner Cooper, Commissioner Gunn, Chair Matyszczyk and Commissioner Pieper. Voting No: None. Absent from Voting: Commissioner Ginsberg, Commissioner Tihansky and Commissioner Turner. The motion carried.

IV. Public Hearings

1. Discussion and possible recommendation to Town Council regarding adopting Chapter 12.25 Short Term Rental Overlay (SRO) Zone which is an overlay zone that would allow short term rentals (Continued from July 20, 2023)

Town Planner Thomas Eddington stated this matter was continued for discussion purposes only at this meeting and reviewed the updates to the draft ordinance. He noted the new standards for maximum unit size, new terms for required commercial development as part of a short-term rental overlay district, and the maximum percentage of a completion (1/3rd) for a subdivision to be considered for an overlay. He reminded the Planning Commissioners that any Homeowners Association (HOA) restrictions on short-term rentals would continue to supersede this ordinance, which would leave the proposed ordinance applicable to new subdivisions as well as Deer Springs and potentially Lakeview Estates. He also noted the Klaim subdivision had previously been approved for short-term rentals and Deer Springs Phase 1 had been approved with limited short-term rentals as well.

Chair Matyszczuk asked for clarification regarding the commercial development requirements. Mr. Eddington discussed the proposed language which would require 1,000 square feet of commercial development for every 25 residential units. He went on to suggest perhaps 15 residential units might be a better option. Discussion ensued regarding when such commercial development should be built relative to the phasing of the residential units.

Commissioner Jonathan Gunn shared his concerns for homeowners who had already purchased properties with the expectation there were no short-term rentals allowed. Commissioner Rachel Cooper asked if there were any homes that would meet the proposed 2,000 square foot maximum size limit. Mr. Eddington did not know whether there were any units of this size other than the proposed Deer Springs Cottages.

Commissioner Gunn asked if there could be a situation where an existing home could be subdivided into smaller units for rental. Mr. Eddington responded that he thought this would be a violation of the Certificate of Occupancy and not admissible. Commissioner Gunn shared his concerns that any approval of short-term rentals could open the backdoor for existing subdivisions to enact them.

Commissioner Joel Pieper asked if the minimum three day required stay in the draft ordinance was appropriate and consistent with the other subdivisions which were already approved for short-term rentals, and, how this policy would be monitored and enforced. Discussion ensued regarding the pros and cons of a minimum stay policy. Mr. Eddington agreed to look at other municipalities with these requirements to learn more about how such policies were enforced.

Chair Matyszczuk opened the meeting for public comment at 6:29 PM.

Ms. Dawn Faulconer, Shoreline resident, asked if the proposed ordinance excluded existing subdivisions such as Shoreline. Mr. Eddington replied it did, as that subdivision was part of the Master HOA and was more than one-third built out. Ms. Faulconer asked if the HOA would ever consider changing this prohibition as she thought other second homeowners such as herself would be supportive of the flexibility to rent their units. Mr. Eddington stated this would be a matter for the HOA, not the Town, to consider.

Mr. Nate Brockbank, developer of Deer Springs, Lakeview Estates and Deer Waters discussed his original request for the SRO when the concept of Deer Springs Phase 8 Cottages was presented. He reviewed his proposal to forego his share of various sales and resort taxes which would go to the Town

instead and noted the independent financial analysis which had been produced and provided to the Town which estimated \$10 million in revenues to the Town over a 10-year period.

Mr. Brockbank added he was only looking for approval of the SRO for Deer Springs Cottages and townhomes, and not any single-family homes in Deer Springs or Lakeview Estates; he also noted the request would not include Deer Waters which was part of the Master HOA. He shared his thoughts on the proposed commercial development requirements and concerns with building commercial units before the market was ready to support it. Mr. Brockbank also stated all homeowners purchasing units in Deer Springs were required to sign disclosures regarding the potential for future short-term rentals in their subdivision.

In response to questions from Chair Matyszczyk and Commissioner Cooper, Mr. Brockbank stated he was comfortable with the proposed maximum square footage requirement which was consistent with the planned 2,000 square foot Deer Springs Cottages concept, and he hoped to break ground on the Cottages in 2024, subject to amendment of the Master Development Agreement (MDA) to move this project from Phase 8 to Phase 3. He reminded the Planning Commissioners the plan was to retain ownership of the Cottages which would be managed as a rental resort in partnership with the Larry Miller Real Estate group.

In response to a question from Commissioner Gunn regarding the proposed maximum unit size, Mr. Brockbank stated he would be able to work with smaller townhome designs for future Deer Springs phases.

Commissioner Gunn noted the 2022 community survey had not shown support for short-term rentals in general. Mr. Brockbank suggested the question in the survey might have been too narrow, and the responses may have been different with more detail on exactly what neighborhoods would be included and the economic benefits to the Town.

Commissioner Cooper asked if the ordinance could specify which subdivisions would be included in the SRO. Town Attorney Polly McLean said yes, it could. Mr. Brockbank stated he would be comfortable with the ordinance specifically excluding Lakeview Estates. He also noted that traffic should not be negatively impacted as Deer Springs residents would not typically drive through the rest of town given their ability to connect directly to SR-248 or Jordanelle Parkway.

Mr. Walter Plumb, partner of Mr. Brockbank, discussed his experiences with short-term rentals in other communities which he had developed, and noted the tax revenues had been a positive for the towns. Commissioner Pieper stated he was not sure what else might be a positive for the town other than tax revenues.

Mr. Wally Dodds, Shoreline resident, noted his main question had already been asked by Ms. Faulconer, and stated he was glad the HOA superseded this proposed ordinance as he did not want such rentals in his development.

Ms. Carol Tomas, Deer Waters resident, stated she was comfortable with the limitations on size of the units which would avoid 4-5 bedroom homes being rented. She asked if the town would really benefit economically, and she shared her safety concerns for pedestrians and cyclists with increased traffic on steep, winding roads. Ms. McLean provided an overview of the tax revenue sources for the Town, including a 1% transient room tax, the MIDA taxes which Mr. Brockbank proposed re-directing to the Town and property taxes. Ms. McLean noted fees from business licenses for rental landlords would cover the Town's costs to administer the licenses and would not generate excess revenues for the Town. Ms. Tomas stated she was not sure these revenues would be worth the tradeoff.

Mr. Brockbank discussed the economic analysis in more detail which included a 70% rental rate assumption which he considered to be comparable to Park City. He also noted he was not requesting any increase in density for Deer Springs, which was approved for 248 ERU's. He suggested renters would not drive more than full time residents.

Commissioner Peter Ginsberg stated he believed renters would drive through town.

There being no further comments, the Public Hearing regarding the Short-Term Rental Overlay zone was closed at 7:14 PM.

Mr. Eddington agreed to incorporate the comments discussed into the next draft of the ordinance.

Motion: Commissioner Ginsberg moved to continue the consideration of a Short-Term Rental Overlay zone to the September 21, 2023 Planning Commission meeting in order to make additional refinements to the draft ordinance. Commissioner Gunn made the second. Voting Yes: Commissioner Cooper, Commissioner Ginsberg, Commissioner Gunn, Chair Matyszczyk and Commissioner Pieper. Voting No: None. Absent from Voting: Commissioner Tihansky and Commissioner Turner. The motion carried.

2. Discussion and possible recommendation to Town Council regarding a new zoning designation Residential Casita (RC) (Continued from July 20, 2023)

Mr. Eddington stated the Staff Report included in the meeting materials was unchanged since the last meeting. Commissioner Cooper asked if any analysis had been done regarding expected impacts on property values resulting from this type of zoning. Mr. Eddington agreed to research this.

Commissioner Cooper asked if there would be an ability to limit the number of units in proposed casita developments. Mr. Eddington replied yes, these details would be part of future MDA's.

Chair Matyszczyk opened the meeting for public comment at 7:21 PM. There were no public comments, and the public hearing was closed at 7:22 PM.

Motion: Commissioner Gunn moved to continue the consideration of a Residential Casita zoning designation to the September 21, 2023 Planning Commission meeting. Commissioner Cooper made the second. Voting Yes: Commissioner Cooper, Commissioner Ginsberg, Commissioner Gunn, Chair Matyszczyk and Commissioner Pieper. Voting No: None. Absent from Voting: Commissioner Tihansky and Commissioner Turner. The motion carried.

VI. Meeting Adjournment

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

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

The meeting adjourned at 7:23 PM.

Kathleen Hopkins
Deputy Recorder for Hideout