

Minutes
Town of Hideout Planning Commission
Regular Meeting and Public Hearing
July 20, 2023
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on July 20, 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 6:03 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: Carol Tomas, Ann Gruber, Douglas Silver, Patricia Bidwill, Don Blumenthal, Young Lee, Larry Eisenfeld, Karleen Callahan, Carl Robinson, John Greer, Steven Jurecki, Kaye Lee, Luke Searle, Cort McCaughey, Bill Barlett, Jim Gruber, Ray DeJaco, Michelle Parker, Mike Carollo, Dennis Gonzalez and others who may not have signed in using proper names in Zoom.

III. Approval of Meeting Minutes

1. June 22, 2023 Planning Commission Minutes DRAFT

Planning Commissioner Jonathan Gunn requested the June 22, 2023 draft minutes be amended to reflect his reluctance to change precedent regarding the motion approved after the Public Hearing. His comment was incorporated into the minutes.

Motion: Commissioner Gunn made the motion to approve the June 22, 2023 Planning Commission Minutes. Commissioner Tihansky made the second. Voting Yes: Commissioner Cooper, Commissioner Ginsberg, Commissioner Gunn, Chair Matyszczyk, Commissioner Pieper, Commissioner Tihansky. Voting No: None. Absent from Voting: Commissioner Turner. The motion carried.

IV. Agenda Items

1. Discussion and consideration of rescheduling the August 17, 2023 Regular Planning Commission meeting

Chair Matyszczyk polled the Planning Commissioners on alternate dates for the August meeting given several scheduling conflicts. After discussion, it was agreed to re-schedule the meeting to August 24, 2023.

V. Public Hearings

Commissioner Glynnis Tihansky requested the order of discussion of the Public Hearing items as listed on the agenda be reversed.

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

Commissioner Peter Ginsberg asked if adoption of the Short Term Rental (SRO) overlay zone would require future approvals of such applications. Town Planner Thomas Eddington responded no, any approved future uses would be site specific and based on criteria included in the zoning ordinance.

Commissioner Gunn asked for guidance on whether the objective criteria included in the proposed ordinance would be sufficient to deny a request and if such a denial would hold up in court. He added he had concerns with any short-term rentals being approved for use in existing residential neighborhoods. Town Attorney Polly McLean replied while court decisions are not predictable, a rezone would be a legislative action which would have the highest level of discretion, and having a rational basis for the zoning ordinance and planning decisions which would be non-discretionary should be supportable in a potential legal action.

Discussion ensued regarding the proposed ordinance. It was noted that Homeowners Associations (HOA's) rules would override the Town zoning so if short-term rentals were not allowed under HOA rules, then the SRO zone would not be applied to that community. Questions arose regarding whether subdivisions still under developer control could change rules on this matter to allow for such rentals in opposition to existing homeowners' preferences.

Mr. Eddington noted the affected existing subdivisions could be Lakeview Estates and Deer Springs which were not currently one-third completed. He reminded the Planning Commissioners that KLAIM already allowed these rentals.

Commissioner Ginsberg asked if existing subdivisions could request this zoning and sue the Town if denied. Ms. McLean responded that each subdivision would need to meet the criteria in the zoning ordinance and would need to show a rational reason to support a claim that the ordinance did not apply to its request.

Mr. Eddington noted prior discussions with the developer for Deer Springs regarding potential short-term rentals in Phase 8 which were considered to be an acceptable area as this location was completely separate from existing neighborhoods. He reminded the Planning Commissioners that if the draft ordinance was not acceptable, it did not have to be approved and additional work could be done to revise the criteria.

Commissioner Tihansky asked if the Shoreline subdivision would be included in the SRO zone. Mr. Eddington replied no, this subdivision would be excluded per its HOA rules. Commissioner Rachel Cooper asked if, with respect to a potential Deer Springs Cottages (Phase 8) application, could an approval for short-term rentals be limited to just that phase. Mr. Eddington replied that had been the initial idea, however the developer had subsequently requested approval to also include specific units in additional phases. He was not sure if the developer would withdraw his Cottages concept if broader short-term rental approval was denied.

Commissioner Gunn noted the responses in the 2022 Hideout Community Survey and public comments provided for this meeting were not supportive of short-term rentals in general and suggested the Planning Commission move slowly in its consideration of any SRO zoning approvals. Mr. Eddington noted the proposed “one-third completed” threshold should be further considered, as a new subdivision such as Lakeview Estates, could qualify for the SRO zone under this metric.

Chair Matyszczyk asked if it might be feasible to add a requirement for some level of commercial development to be included in any new subdivision requesting SRO zoning, and wondered whether developers would give up any density in exchange for this zoning. Mr. Eddington replied this concept would require further vetting.

Commissioner Tihansky asked if criteria could be set to exclude from the SRO zone any subdivision which had already received final approval. Mr. Eddington noted the Lakeview Estates subdivision phases had not all been approved and was not one-third completed, so could meet the requirements per the draft ordinance criteria.

Commissioner Ginsberg shared his concerns for homeowners who purchased properties in the early phases of a development under the expectation there were no short-term rentals allowed, being faced with new conditions if the SRO zone was later approved for their subdivisions.

Commissioner Gunn suggested additional work be done to refine the criteria for the proposed ordinance, including limiting the approved geography.

Chair Matyszczyk opened the meeting for public comment at 6:43 PM.

Ms. Carol Tomas, Deer Waters resident, stated she was comfortable with the approval of short-term rentals on the west side of Jordanelle Parkway, but was concerned that adding commercial and short-term rentals in the eastern neighborhoods could lead to unfamiliar traffic and safety issues. She asked what the developer was offering the Town in exchange for potential approval of such rentals which would support his sales efforts.

Ms. Ann Gruber, Deer Waters resident, asked why the Planning Commission felt it was important to concede to developers on this matter. She asked why the fabric of the Town should be changed if only in an effort for developers to help sell their units. Commissioner Tihansky replied there could be economic benefits for the Town through additional tax revenues.

Mr. Douglas Silver, Shoreline resident, shared his concerns with rushing this approval process, and asked if the impact from the expanded Ross Creek area of Jordanelle State Park had been considered with regard to increased traffic in the community. Commissioner Tihansky agreed this should be evaluated.

Ms. Gruber asked if the focus on commercial development was to raise tax revenues for the Town and if that should be stressed over implementation of short-term rentals. Mr. Eddington replied commercial development was certainly desired and was under active consideration, however where and how to develop it was up for discussion. Ms. Gruber asked for more information on the potential economic benefits of short-term rentals.

Ms. Patricia Bidwill, Golden Eagle property owner, asked how this proposed zoning change would fit within the Town's long-term strategic plan. Mr. Larry Eisenfeld, Deer Water resident, asked for clarification on the definition of existing and future subdivisions in the proposed ordinance, which Mr. Eddington discussed.

Mr. Young Lee, Deer Waters resident, shared his concerns with speeding and other traffic issues which could impact other neighborhoods if Lakeview Estates were approved for short-term rentals.

Ms. Tomas suggested the Town focus on commercial development opportunities rather than nightly rentals as tax revenue sources. Commissioner Cooper agreed with Ms. Tomas, and stated she was not comfortable with short-term rentals being approved in the center of Town, but rather should be limited to discreet areas such as the previously proposed Bloom project.

Mr. Lee stated he was opposed to expanded short-term rentals, and asked if the county sheriff had been consulted on how such rentals might impact future law enforcement. Mr. Eddington responded any expansion would be discussed with local law enforcement.

There being no further comments, the Public Hearing regarding the Short Term Rental Overlay zone was closed at 7:01 PM.

The Planning Commissioners discussed options for further refining the proposed ordinance and continuing the discussion and potential recommendation to Town Council to a later date. Commissioner Ginsberg suggested the draft ordinance be further refined before making any recommendation to Town Council; Commissioners Gunn, Tihansky and Pieper agreed. Commissioner Cooper stated she was against the concept as currently proposed.

Motion: Commissioner Gunn moved to continue the consideration of a Short Term Rental Overlay zone to the August 24, 2023 Planning Commission meeting in order to make additional refinements to the draft ordinance. Commissioner Ginsberg made the second. Voting Yes: Commissioner Ginsberg, Commissioner Gunn, Chair Matyszczyk, Commissioner Pieper and Commissioner Tihansky. Voting No: Commissioner Cooper. Absent from Voting: Commissioner Turner. The motion carried.

2. Discussion and possible recommendation to Town Council regarding a new zoning designation Residential Casita (RC)

Commissioner Ginsberg asked if the proposed Residential Casita designation would be a Nightly Rental by definition. Mr. Eddington replied no, such units would be a different housing type originally contemplated under the Bloom development project, but not necessarily for nightly rentals. He added the zoning designation was not geographically specific, but could be appropriate for a proposal such

as Deer Springs Cottages or the Bloom development, with the ability for nightly rentals to be addressed separately under a SRO zone application (if approved in the future).

Mr. Eddington discussed the attributes of this housing type, which included size limitations of less than 1,500 square feet, various conditional and permitted uses, density, open space requirements and lot frontage requirements.

The Planning Commissioners asked questions and provided feedback on square footage, land disturbance requirements, and consideration of commercial development along with the residential component. Ms. McLean advised the Planning Commissioners to be careful about exactions, and suggested they consider mixed use development rather than mandating specific levels of commercial development based on the number of residential units.

Mr. Eddington suggested a separate Mixed Use Casita designation might also be considered for projects where a combination of residential and commercial development might be preferable. He noted the proposed RC designation contemplated limited size single family homes.

Chair Matyszczyk opened the meeting for public comment at 7:23 PM.

Mr. Jim Gruber, Deer Waters resident, asked if the Bloom project had a commercial zone. Chair Matyszczyk noted the Bloom application had been withdrawn and Mr. Eddington added there was no specific applicant for this designation yet. This discussion could make such a designation available to a future applicant.

Ms. Tomas asked if such units could be affordable housing. Mr. Eddington replied these were not specifically designated as “affordable” under state statute but could in practice be more affordable for some buyers or renters given their smaller sizes.

Mr. Lee asked if this proposed designation would be applicable to future development only. Mr. Eddington responded yes, that would be the case.

Ms. Bidwill suggested the zoning designation be more specifically defined, and noted such a zone which could include both high end accommodations and affordable housing, could be problematic. Mr. Eddington noted the Planning Commission’s role was to consider allowance by size in zoning decisions, not income levels.

There being no further comments, the Public Hearing regarding the Residential Casita zoning designation was closed at 7:32 PM.

Motion: Commissioner Gunn moved to continue the consideration of a Residential Casita zoning designation to the August 24, 2023 Planning Commission meeting in order to make additional refinements to the draft ordinance. Commissioner Ginsberg made the second. Voting Yes: Commissioner Cooper, Commissioner Ginsberg, Commissioner Gunn, Chair Matyszczyk, Commissioner Pieper and Commissioner Tihansky. Voting No: None. Absent from Voting: Commissioner Turner. The motion carried.


VI. Meeting Adjournment

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

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

The meeting adjourned at 7:34 PM.




Kathleen Hopkins
Deputy Recorder for Hideout