



Memorandum

To: Town Council
From: Thomas Dansie
Date: January 7, 2022
Re: Ordinance 2022-01: Temporary Land Use Regulation Prohibiting Development of New Transient Lodging Facilities

The Town has experienced rapid growth in the development of transient lodging facilities over the past five years. In this time there has been a rapid increase in the conversion of non-lodging structures to lodging uses.

This increase in the development of lodging facilities has impacted the Town in the following ways:

1. Converting long-term residential rental units in commercial zones to short-term transient lodging, thereby decreasing the amount of rental housing available in the Town and exacerbating the Town's affordable housing problems;
2. Converting non-lodging commercial properties into short-term transient lodging, thereby reducing the diversity of commercial uses in the Town which detracts from the Town's village character;
3. Creating a market which encourages the development of land primarily with transient lodging uses and no complementary commercial uses, which reduces the diversity of commercial uses and services in the community; and
4. Increasing the intensity of development on commercial properties adjacent to and nearby residential properties which results in more traffic, noise, and light in these areas and degraded quality of life for Town residents.

The General Plan directs the Town to mitigate the negative impacts of lodging uses by carefully crafting new land use regulations for transient lodging facilities (see General Plan Objectives 3.1.1, 3.1.3, 4.1.1, and Goal 4.20). As the Planning Commission has been preparing an update to the General Plan one of the top issues of concern cited in public surveys is the impact of the recent increase in transient lodging (see General Plan survey results [here](#) and [here](#)). Based on this direction in the General Plan and the consistent concerns expressed by residents the Council should take action to investigate revisions to the Town's transient lodging regulations.

Utah State Code authorizes local governments to enact temporary land use regulations for periods of 180 days or less see UCA [10-9a-504](#)). The Town can enact a temporary land use regulation which prohibits the development of new transient lodging facilities for a period of 180 days. This will give the Planning Commission and Town Council time to research and develop revisions to the Town's regulation of lodging facilities. A proposed ordinance establishing a temporary 180-day prohibition of transient lodging facilities is attached. The Council should consider adopting this ordinance to put a temporary

pause on new lodging facilities. This will allow the Town to craft thoughtful and well informed strategies, in keeping with the General Plan, regarding new lodging development.

There is established precedent for such a strategy. The City of Moab and Grand County went through a similar process in 2019. Several resort communities in Colorado are currently or have recently employed this strategy (Aspen, Breckenridge, and Crested Butte).

In order to justify a temporary land use regulation the State Code requires the Council to make a finding of compelling, countervailing public interest. The attached proposed ordinance includes findings of compelling, countervailing public interest based on the negative impacts of the rapid increase in transient lodging development summarized above. The Council may wish to discuss these findings on the record during the meeting.

The attached ordinance also directs the Mayor to appoint an eight-person task force to research and develop options for lodging land use regulations. This taskforce will present their findings and recommendations to the Planning Commission. The Commission will then make a recommendation on adoption of lodging land use regulations to the Council. Using a task force will allow efficiency and schedule flexibility to develop the proposed land use strategies. This will help the Town develop new regulations within the 180-day temporary land use regulation window.

Council Action

Staff recommends the Council review and act on the attached temporary land use regulation which establishes an temporary 180-day prohibition on new transient lodging development and directs the Mayor to appoint a taskforce to research revisions to the Town's transient lodging land use regulations.



ORDINANCE 2022-01

AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL ENACTING A TEMPORARY LAND USE REGULATION TO PROHIBIT THE DEVELOPMENT OF NEW TRANSIENT LODGING FACILITIES AND THE CONVERSION OF EXISTING STRUCTURES TO TRANSIENT LODGING USES

WHEREAS, Utah Code Annotated section 10-9a-504 authorizes local governments to enact temporary land use regulations effective for up to 180 days when there is a compelling, countervailing public interest to do so; and

WHEREAS, the Town of Springdale has experienced rapid increases in the number of properties either constructed as transient lodging or converted to transient lodging use in the past five years; and

WHEREAS, in order to promote and protect the Town's village character, the Town's General Plan emphasizes the need to be careful and strategic about how commercial uses, particularly transient lodging uses, are developed in the community (see General Plan Objective 3.1.1, Objective 3.1.3, Objective 4.1.1, and Goal 4.20); and

WHEREAS, the rapid acceleration in the number of properties being used as transient lodging facilities has impacted the Town by:

- Converting long-term residential rental units in commercial zones to short-term transient lodging, thereby decreasing the amount of rental housing available in the Town and exacerbating the Town's affordable housing problems;
- Converting non-lodging commercial properties into short-term transient lodging, thereby reducing the diversity of commercial uses in the Town which detracts from the Town's village character;
- Creating a market which encourages the development of land primarily with transient lodging uses and no complementary commercial uses, which reduces the diversity of commercial uses and services in the community;
- Increasing the intensity of development on commercial properties adjacent to and nearby residential properties which results in more traffic, noise, and light in these areas and degraded quality of life for Town residents; and

WHEREAS, the Council finds that the current increase in the development of transient lodging facilities presents a significant threat to the Town's village character and jeopardizes the Town's ability to grow and develop in a manner consistent with the General Plan; and

WHEREAS, in furtherance of General Plan Objective 3.1.3 and working with the Planning Commission, the Town Council intends to revise land use regulations for transient lodging developments in Springdale such that the Town's village character is preserved; and

WHEREAS, the Town Council finds there is a compelling, countervailing public interest that will be served by prohibiting new transient lodging facilities for a period of up to 180 days while the Town revises its transient lodging facility land use regulations,

NOW, THEREFORE, BE IT ORDAINED by the Springdale Town Council, pursuant to Utah Code § 10-9a-504:

SECTION 1. Finding of Compelling, Countervailing Public Interest:

The Town Council makes the following findings supporting a compelling, countervailing public interest in prohibiting new transient lodging facilities for a period of up to 180 days:

1. The Town of Springdale has experienced rapid increases in the number of properties either constructed as transient lodging or converted to transient lodging use in the past five years and this ordinance is necessary to promote and protect the Town's village character and the Town's General Plan; and,
2. The Town Council is guided by the Town's General Plan, which emphasizes the need to be careful and strategic about how commercial uses, particularly transient lodging uses, are developed in the community (see General Plan Objective 3.1.1, Objective 3.1.3, Objective 4.1.1, and Goal 4.20); and
3. This acceleration in the number of properties used for transient lodging facilities has impacted the town by:
 - a. Converting long-term residential rental units in commercial zones to short-term transient lodging, thereby decreasing the amount of rental housing available in the Town and exacerbating the Town's affordable housing problems;
 - b. Converting non-lodging commercial properties into short-term transient lodging, thereby reducing the diversity of commercial uses in the Town which detracts from the Town's village character;
 - c. Creating a market which encourages the development of land primarily with transient lodging uses and no complementary commercial uses, which reduces the diversity of commercial uses and services in the community;

- d. Increasing the intensity of development on commercial properties adjacent to and nearby residential properties which results in more traffic, noise, and light in these areas and degraded quality of life for Town residents; and
 - e. The Town Council finds that this current increase presents a significant threat to the Town's village character and the Town's ability to grow and develop in a manner consistent with the provisions of the General Plan presented above.
4. Further, in the interim, the Town Council finds that there is a compelling, countervailing public interest to revise the transient lodging facility land use regulations to account for this rapid growth and in addressing the affordable housing problems, to create a eight-person Transient Lodging Review Taskforce to investigate the issues, develop recommendations, and present these recommendations to the Planning Commission.

Based on the foregoing findings, the Town Council hereby finds that there is a compelling, countervailing public interest in temporarily prohibiting new transient lodging facilities as set forth in this Ordinance.

SECTION 2. Temporary Land Use Regulation Prohibiting New Transient Lodging:

1. The Town will not accept any applications for new transient lodging facilities or conversion of existing structures to transient lodging facilities. This includes applications for Design/Development Review, Conditional Use, and Business License.
2. The Town Council hereby appoints a Transient Lodging Review Taskforce. The Taskforce will be composed of the Mayor, one additional Town Council Member, two Planning Commissioners, the Town Manager, the Director of Community Development, one resident, and one representative of an existing transient lodging business in Springdale. The Mayor will select the Council Member, Commissioners, resident, and lodging representative. The Taskforce is charged with the following:
 - a. Investigating issues associated with transient lodging and the impacts of additional transient lodging on village character.
 - b. Developing recommendations for strategies to mitigate the impacts of additional transient lodging on village character.
 - c. Presenting these recommendations and proposed revised ordinance language to the Planning Commission for their review.

SECTION 3. Effective Date and Duration:

This Ordinance shall become effective immediately upon adoption, recording and posting in the manner prescribed by law, and shall expire on a date which is (a) one hundred eighty (180) days from the date of adoption of this Ordinance, or (b) by repeal, or (c) on July 12, 2022, whichever is earlier, at which time the regulations set forth herein shall automatically expire by operation of law.

PASSED AND ADOPTED by the Springdale Town Council the 12th day of January, 2022.

By: _____

Barbara Bruno, Mayor

Attest:

Darci Carlson, Town Clerk

ROLL CALL VOTE		
R. Aton	Yes	No
B. Bruno	Yes	No
J. Burns	Yes	No
S. Elger	Yes	No
L. Zumpft	Yes	No

CERTIFICATE OF POSTING

I, Darci Carlson, acting on behalf of the Town of Springdale, hereby certify that accurate copies of Ordinance 2022-01, were posted at three places within the municipality: Springdale Town Hall, Springdale Post Office, and the Canyon Community Center on the

_____ day of _____, 2022.