

Jan 10, 2022

TO: Tom Dansie, Rick Wixom, Mayor Bruno, Town Council Members and Planning Commission Members

RE: TOWN COUNCIL MEETING Jan 12,2022, Legislative Action Item D1.

[1. Consideration of Ordinance 2022-01 – 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](#)

The inclusion of this item on the agenda causes me much concern for the following reasons:

1. The timing and Optics of this are poor.
2. This has the potential of greatly reducing property values for some, at the same time increasing the property values of others *IN THE SAME ZONE*.
3. This is another item in a string of items of late that attempts to take away personal property rights.
4. Is this the best way to solve the problems cited in the Dansie Memorandum with regard to the increase in transient lodging facilities?

TIMING and OPTICS of this action:

This seems to be somewhat of a New Year's Surprise! During the recent campaign, there was much discussion about concerns facing the town of Springdale; from Climate Change to night skies, to parking, to improved medical facilities, but putting a moratorium on commercial lodging development was not never stated by any of the candidates. In fact, one of the candidates specifically stated that he was in favor of "property rights." (BTW- That Council member changed a residential home on Zion Blvd into a nightly rental.) Now, less than two weeks into the New Year, the very first Legislative Item of the first TC meeting is to vote for a 180-day moratorium on all new transient lodging developments, citing the General Plan, which was just updated by two of the new voting members on the Town Council ho were on the last PC. Has this been in the plan all along? If so, it seems disingenuous for it to be sprung on the public at the end of the day of Friday, with only the weekend to formulate any discussion or thoughts to present in opposition to the proposal. This proposal has huge ramifications for those in town with commercial property.

PROPERTY VALUE: REDUCTION FOR SOME, INCREASE FOR OTHERS

In any action there are consequences. I urge the Council to consider the consequences to the property owners of taking this action. If this action, or any form of it, is made permanent, it will significantly reduce the value of all properties affected by the action. By putting a moratorium on transient lodging development, and studying ways to control development permanently, the town is picking winners and losers. The winners are those who have already converted their properties to transient lodging, maximizing their return and at the same time significantly increasing their property values. Conversely, the property owners who have *not* converted their properties to maximum income potential, are not only losing that opportunity

with this action, but because of it, their property values are greatly reduced because the development potential of their property is now limited. Without allowing further transient lodging development or greatly scaled back development, those who have transient lodging now, will see an even greater increase in property values, because the town is reducing further development possibilities, hence reducing competition. The winners, win even more. These actions can be considered a “taking” under the law, and will create legal problems to the town in the future.

“TAKING” of PERSONAL PROPERTY RIGHTS

Utah is a Property Rights state and property owners have the right to use their property as they wish under the local ordinances. The town of Springdale is 85% built out. By enacting an ordinance such as limiting transient lodging, when the majority of the town is built out, penalizes only a few of the property owners. Is it fair and just for one property owner to have transient lodging on one side of the street, yet his neighbor across the street is not permitted the same use in the same zone? Is it right for a town to penalize a few and by doing so, rewarding the rest whose property values will only increase because of the newly imposed limits and restrictions on others?

This action is just the latest in a string of efforts by the town to limit and reduce transient lodging, which is another way to limit what a person can do with their property. The last two efforts were to redefine a “unit” of transient lodging to one bedroom, and to stringently dictate the architecture and materials that can be used along SR-9 in the name of Parkitecture. All three of these actions would have the same effect; reduction of commercial property value because of increased limitations.

IS THIS THE BEST SOLUTION TO THE PROBLEMS?

By limiting transient lodging, we are not going to reduce the numbers of visitors to the town or the congestion or traffic. No matter how hard we try, we aren’t going to be able to stop the visitors from coming. Rather than penalizing a portion of the property owners, and limiting their ability to maximize the value of their property, why not incentivize new diverse businesses? Why not encourage and promote new diverse businesses? Why not form a team to promote other diverse businesses in town and actively seek those businesses? Why not make exceptions to the land use code to allow other types of businesses? There is enough business for all businesses to thrive in a town of our size with the numbers of visitors we have. Can’t we find a win-win solution instead of targeting one segment to limit or shut down?

ONE FINAL COMMENT

I think that it’s too bad that the very people who are driving this will be the ones on the committee that is formed to study it. Why not invite some of the many commercial property owners whom this will effect negatively to be part of the study, rather that just those who are all for it.

Respectfully,
Kristi Staker