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Washington County Land Use Authority Public Meeting September 28, 2021

The Public Meeting of the Planning Commission of Washington County was called to order by Chairman Brandon Anderson at 9:00 a.m. on September 28, 2021, in the Washington County Commission Chambers and via Zoom, at 197 East Tabernacle Street in St. George, Utah. Commissioners in attendance were Brandon Anderson, Kevin Jones, Slade Hughes, Frank Leuck, Reed Scow, and Mark Owens (via Zoom). County Staff in attendance were Scott Messel, Community Development Director; Victoria Hales, Deputy Attorney; Ron Whitehead, Public Works Director; Laura Thurber, Planning and Permits Specialist; Kurt Gardner, Building Official.

Pledge of Allegiance led by Chairman Brandon Anderson.

- PUBLIC MEETING REGARDING TITLE 10 ZONING ORDINANCE AMENDMENTS.** Review, discuss and make recommendations re: the proposed amendments to various Title 10 Zoning Regulations, including definitions, Accessory Dwelling Units (ADUs) and Short-Term Rentals (STRs), and determining when a license for a STR is allowed, and deleting the term “Tourist Homes,” and deleting “Planned Development Rural Recreation Grounds and Facilities” from the ordinances.

Mr. Messel explained that when the County initially adopted the “tourist homes” ordinance, they were permitted in every zone with minimal regulations. As the tourist home industry has changed in the last 5-plus years, the County has found a need to revise the code to balance property rights and review the health, safety and welfare and the goals of those who own rental properties and their neighbors. There are approximately 5,552 approved STRs in the cities and towns in Washington County. There are 6,200 commercial hotel rooms and Washington County has the ability to support large events. He also explained that Public Works concerns are infrastructure abilities, fire flow, sewer and septic, onsite parking and access. Miscellaneous items discussed are the number of days to define short term rentals, the Good Neighbor Policy which encourages both guests and owners to consider the neighboring residents, pay transit room tax, and be licensed. There has been an 800% increase in the short-term rental industry between 2011 and 2019 and a 10% increase in locality of a short-term rental has led to a .42% rent increase in rent. Mr. Messel displayed a few examples of ads of STRs and maps showing the areas of the densest numbers of STRs in unincorporated Washington County.

He explained the Planning Commission has been presented with 2 options. The original draft was presented in the September 14th Public Hearing and Option 2 has taken into account some comments and direction from the Sept. 14th meeting. Mr. Messel explained the differences between the 2 options; square footage size limits by lot size (larger size limits in option 2), owner occupied for the 1st option vs. not for the 2nd option. Staff is recommending the Planning Commission recommend approval of Option 1 to the County Commission.

Mr. Messel then turned over the discussion to the Planning Commission and Chairman Anderson explained that there will not be a public hearing today. The previous meeting had a public hearing

and letters, comments, and suggestions have been heard and taken into consideration by the Planning Commission. Chairman Anderson explained that there are two draft options presented and the goal is to funnel down to one option and if there are more questions or concerns they can be addressed. Commissioner Hughes stated that after reviewing both options, he would like to propose that Option 1 be removed and the Planning Commission agreed unanimously. Chairman Anderson then stated he would like to hear each Commissioners thoughts concerning Option 2 and whether changes need to be made, and any suggestions as to those changes.

Commissioner Hughes, in reference to page 41, proposed that items **c.** and **d.** be stricken. He stated that he does not see reason for size restrictions in the larger lots and item **c.** refers to the aesthetics and is over-reaching.

Commissioner Scow thanked Staff, and the public for their letters and recommendations. He suggested the removal of size restrictions, but agrees with conforming to exterior aesthetics regulations for dwellings.

Commissioner Kevin Jones stated that his concern with removing square footage limits is that you could hypothetically have a 10 bedroom accessory dwelling behind a 1,500 sq. ft. single family dwelling, which is not the intent of the accessory dwelling. Discussion was had about the definition of an accessory dwelling, how many ADUs are allowed per parcel, and whether size restrictions should be kept.

The Planning Commission agreed that the requirement for the property to be owner-occupied be stricken. Planning Commission agreed that a property could be rented out while having a second home here, and Option 1 did not allow that and seemed like too much of a burden on the property owner. It was agreed that parking issues have been addressed in Option 2, and the property manager has been given 2 hours to respond rather than 1 hour originally proposed in Option 1.

Commissioner Leuck stated the he is in favor of option 2 and appreciates the work of his fellow commissioners. He said he has read both draft options very thoroughly and has no changes to add other than what's been discussed.

Commissioner Owens, via Zoom, discussed the restriction details about accessory dwellings and Ms. Hales clarified that only one accessory dwelling can be rented short-term or long-term. Commissioner Owens agreed that larger lots should not have square foot limitations for STRs but would like to see smaller ADUs on smaller lots.

Chairman Anderson asked the Planning Commission if they were ready to present a motion. Commissioner Hughes stated that he will consent to restrict square footage on small lots, not on large lots. Commissioner Scow agreed that larger lots have room for larger dwellings. Ms. Hales stated that most jurisdictions limit ADU and yes, we are having problems with the family compound idea and sizes of the ADUs have been problems after turning them into STRs.

MOTION: Commissioner Kevin Jones recommended **APPROVAL** of the Option 2 draft to the County Commission with the findings that the current ordinance is inadequate and there are property issues on both sides of the fence (owners and citizens), with the other findings that are on page 1 of Option 2. Commissioner Leuck **SECONDED** the motion. Roll call was taken and the motion **PASSED**.

Commissioner Leuck: Aye

Commissioner Kevin Jones: Aye

Commissioner Scow: Aye

Commissioner Owens: Aye

Commissioner Hughes: Nay

Motion **PASSED**.

MOTION was made to close the public meeting. Commissioner Leuck seconded and the motion passed unanimously.

Laura Thurber
Planning and Permits Specialist

Approved: