

MEETING MINUTES

PLANNING & ZONING WORK MEETING



DATE:

03/08/2023

TIME:

6:00 PM, called to order at
6:05 pm

LOCATION:

114 S Mill St., Virgin, UT. 84779

IN ATTENDANCE

Bronwyn Wallace, Cameron Spendlove, Kent Peterson, Sean Amodt, Gene Garate. Wyatt Lee excused.

OTHERS ATTENDING

Gene Garate, Zoning Administrator
Jean Krause, Mayor
No Public in attendance., No one online.

A: DISCUSSION OF ORDINANCE LIMITING # OF ROOMS AND PEOPLE IN AN STR

Ordinance was sent back by the Town Council.

Cameron: instead of modifying definition of STR they added restrictions by Zone.

Sean: suggests that they put these restrictions in the STR permit requirements that are listed in 60.02. Everyone likes this suggestion. Sean says that they can build a house as large as they want, but only use 5 bedrooms for STR's.

Bronwyn: suggests that they put in a chart showing the size and number of people in an STR. Mentioned that if they need to sell the home in the future, the attorney said they might become a group house.

Cameron: says group homes not an issue anymore since state is getting more restrictive on those group homes. Cameron says 60.02(F) is where it should go.

So this will be part of the permitting process for STR's only. Not in the regulations. In the regulations they can just say "see 60.02(F) for number of bedrooms and guests."

Kent is confused and questions the intent. Cameron and Bronwyn explained why limiting the number of bedrooms to 5. Kent asked what other towns are doing and Bronwyn answers that 5 seems to be the reasonable number elsewhere. Kent continues that he is worried about the people who come to town and want to build a home for no purpose other than to rent it out as an STR. He is against commercial STR's.

Cameron sees 3 options: a) cannot exceed 5 bedrooms, 10 people; b) if you exceed 5 bedrooms in the home, cannot use more than 5, must make other bedrooms used in a different manner than a bedroom; c) if they exceed 5 bedrooms as rentals, then there are additional requirements on the property. He does not know what those additional requirements would be.

Conclusion: Cameron will write up this ordinance using option "A" and present it next month.

B: DISCUSSION OF SHORT-TERM RENTAL OVERLAY ZONE

Bronwyn introduced this item. She thinks this overlay zone is problematic. Attorney has suggested that we define STR better. Coming up with 3 definitions: STR house (a single-family home), STR unit, and STR building. Attorney is drafting an ordinance on this.

She thinks we should eliminate the STR Overlay Zone. Thinks STR's should be limited to commercial and HRZ. Residential zone should only have RHF's.

Sean: wants the commercial zone expanded if we do this. He also does not want to eliminate the STR Overlay zone. Bronwyn argues we just expanded HRZ and we do not need to expand commercial and yes STR Overlay zone needs to go.

Cameron: asked Bronwyn to make her arguments as to why overlay zone should be eliminated.

Bronwyn: keeps commercial uses out of residential zones. And all of the enforcement issues that go along with commercial businesses need to be kept out of residential zones. She likes RHF in residential zones.

Sean: he disagrees and likes STR. He says controversial because commercial with a residential impact. Therefore, this is a residential use. Every subdivision that has come in has wanted the STR overlay option. Let everyone build these subdivisions and control through the permitting process. Even with RHF use someone can live in the External ADU and rent out the whole house. So RHF does not necessarily fix the problem in the residential zone. Let the free market play out.

Kent: This is going on in every community in the world right now. He agrees with both Sean and Bronwyn that the STR Overlay creates a delay. And creates a controversy. We are way behind all the surrounding towns in addressing this. Other towns have dealt with this and are trying to protect residential neighborhoods. Likes RHF because the owners care for their own homes. Agrees with restricting STR's to commercial and HRZ.

Sean: what he can foresee is that somebody comes in and has to ask for a zone change to commercial. Then they can bring in other uses that are listed in the commercial zone. Keeping the STR Overlay will keep the neighborhood residential and will not allow other uses mixed in. He will only agree to Bronwyn's suggestion if she agrees to expand the commercial zone.

Kent: we need more affordable housing in town. We don't have the ability and resources to plan for this. He would like to see apartments in town.

Cameron: He has not seen problems with the STR Overlay zone other than transparency and that is something that can be fixed. He does not see that the STR Overlay zone creates an environment affecting affordable housing. Even if they did not do STR Overlay, the homes would still be expensive anyway. Cameron sees the benefit of the STR Overlay is that it extends commercial uses and commercial taxes into residential areas. He thinks it will have a minimal impact on the towns.

Bronwyn: there are people in town that plan to sell their house and move if we keep allowing STR Overlays. Cameron says that we have no evidence as of yet that this will actually happen.

Sean: we need to give new development the option whether to do STR. Let the free market yet.

Bronwyn: no commercial uses in residential zones.

Cameron: the overlay zone has problems. Do not try to fix. Just eliminate or leave it alone.

Bronwyn: if she brings attorney's ordinance to them, will they consider it? Cameron says they will put it on the agenda.

Conclusion: Cameron says do not make changes. Just create an ordinance that says STR Overlay zone is closed as of this specific date. Also will see what attorney brings.

C: COMMERCIAL LIGHTING

Sean has wanted to make some changes and Cameron turned this item over to Sean.

Sean: pulled up the ordinance from last month. Cameron did not make any changes or review it. Sean was supposed to make changes. He has not. Issues are Kelvin temperature. Downlit and shielded are already required, but only at a certain wattage. Sean thinks lighting ordinance itself needs to be adjusted to deal with glare, temperature, shielding, and filtering. Passed out copies of the ordinance he prepared on May 27, 2021 (attached). He wants a section for commercial outdoor lighting. Color and temperature of light might very well resolve some of the issues we have with lights on commercial buildings. He thinks the standards in this proposal will fix all of our commercial outdoor lighting issues except for the time of day the lights can be on. Thinks that some of these issues can also be addressed through the Conditional Use process.

He thinks we can take these general standards and we can apply them to each type of lighting issue that we have in town.

Cameron: he does not see how these guidelines apply to commercial lighting.

Sean: He has re-written the complete lighting ordinance. This is just the guideline section.

Cameron: He really wants to see this get moving.

Kent: Worried about dark-skies. He worries that these are not far enough. Does not like the word "encouraged." Make it more definitive. Residential lighting is pretty good. He thinks commercial lighting is the big threat. Especially since our commercial areas are booming. He thinks that Zion Wildflower has a glare in the night sky. He says that the Marriott has lighting that dims as the night comes on.

Cameron: He would like to see this guideline document, items 1-6, written up for a recommendation as an addition to our lighting ordinance. Then discuss Sean's ideas for specific regulations for commercial lighting.

Kent: wants to address signs. Cameron says that comes later in another ordinance. Bronwyn wants to see all in context.

D: ADVERSELY AFFECTED PARTY

This is to reflect current state code. Where is it to go? Sean says it is to mainly be a definition added to 2.12.

Kent: he suggests that the limitation only to neighboring property owners is not good for a small, rural town like us. In a town like us everyone is affected. He wants everyone to be notified of any action. We need to be more transparent.

Cameron: says this does not affect the ability of people to file a referendum if they feel so affected. But the notice requirement Kent suggests, he is not sure that we are required to comply with this.

Conclusion: Sean is going to get this written up and set for public hearing. Cameron also suggests that we check with attorney if we can broaden the protections beyond what the state code has.

Conclusion: will proceed with Cameron's last comment.

E: LODGING DEFINITIONS

Conclusion: will bring back next month

F: HIGHWAY RESORT ZONE LOCATION

Kent will address this item. He has a prepared ordinance for everyone to review. Prepared by himself and Paul Luwe. Suggests a change in location of HRZ along Kolob Terrace Road. Suggests that everything on the west side not be eligible for HRZ.

What has brought this forward is the increased development of commercial zone and the BLM land surrounding the BMX track.

Cameron: His suggestion is to change 44.06(A)(2) to say that only up to the intersection with Pocketville Road. Anything south is eligible for HRZ. Anything North is not eligible.

Conclusion: Kent will re-draft this ordinance.

NEXT MEETING

April 12, 2023 | 6:00 pm at the Old Church

Motion to adjourn was made at 8:21 pm and was passed unanimously.



Krystal Percival clerk/Recorder

Approved: April, 12, 2023