

MINUTES OF A REGULAR MEETING OF THE HYRUM CITY PLANNING COMMISSION HELD OCTOBER 12, 2023 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 P.M.

**CONDUCTING:** Chairman Paul Willardson

**PRESENT:** Chairman Paul Willardson, Vice Chairman Blake Foster, Commissioners Brian Carver arrived at 6:40 P.M., and Terry Mann.

**EXCUSED:** Commissioner Angi Bair, and Alternate Member Dixie Schwartz

**CALL TO ORDER:** There being four members present and four members representing a quorum, Chairman Paul Willardson called the meeting to order.

**OTHERS PRESENT:** Zoning Administrator Matt Holmes and zero citizens. Secretary Hailey Brown recorded the minutes.

**PLEDGE OF ALLEGIANCE:** Blake Foster led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Paul Willardson

**APPROVAL OF MINUTES:**

The minutes of a regular meeting held on September 14, 2023 were approved as written.

**ACTION**            **Commissioner Blake Foster made a motion to approve the minutes of September 14, 2023 as written. Commissioner Mann seconded the motion and Commissioners Foster, Mann, and Willardson voted aye.**

**AGENDA APPROVAL:**

A copy of the notice and agenda for this meeting was EMAILED to The Herald Journal, posted on the Utah Public Notice Website and Hyrum City's website, distributed to each member of the Planning Commission, and posted at the City Offices more than forty-eight hours before meeting time.

**ACTION**            **Commissioner Terry Mann made a motion to approve the agenda for October 12, 2023 as written. Commissioner Blake Foster seconded the motion and Commissioners**

**Foster, Mann, and Willardson voted aye.**

6. PUBLIC HEARING

- A. To receive public comment regarding proposed amendments to Title 17 (The Zoning Ordinance) on Off-Street Parking and Nonconforming Buildings and Use of the Hyrum City Code.

7. SCHEDULED DELEGATIONS

- A. Zoning Amendment to Title 17 Off-Street Parking - The current allowed driveway opening at the curb is a maximum of twenty-five (25) feet. With three car garages and parking of trailers, recreational vehicles, boats, and such becoming more prevalent, there are many in Hyrum that desire a wider driveway approach. Residents have asked staff and members of the City Council to consider changing this minimum.
- B. Zoning Amendment to Title 17 Nonconforming Buildings and Use - The current section of the Hyrum City Code allows for some provisions for specific circumstances of nonconforming use to continue without abandonment and expand in a zone that does not permit such use. Our attorney suggests that the code permitting such exceptions should be changed to apply the restrictions of nonconforming use to be applied consistently throughout Hyrum. Some other minor housekeeping changes may be made at this time.

8. ADJOURNMENT

**PUBLIC HEARING:**

**TO RECEIVE PUBLIC COMMENT REGARDING PROPOSED AMENDMENTS TO TITLE 17 (THE ZONING ORDINANCE) ON OFF-STREET PARKING AND NONCONFORMING BUILDINGS AND USE OF THE HYRUM CITY MUNICIPAL CODE.**

**ACTION**

**Commissioner Terry Mann made a motion to open the public hearing at 6:33 p.m. Commissioner Blake Foster seconded the motion and Commissioners Foster, Mann, and Willardson voted aye.**

Chairman Paul Willardson asked Zoning Administrator Matt Holmes if he had received any comments via email or in person as there was no public comment.

Zoning Administrator Matt Holmes said he had not received any

comments.

**ACTION** Commissioner Blake Foster made a motion to close the public hearing at 6:34 p.m. Commissioner Terry Mann seconded the motion and Commissioners Foster, Mann, and Willardson voted aye.

***SCHEDULED DELEGATIONS:***

**ZONING AMENDMENT TO TITLE 17 OFF-STREET PARKING - THE CURRENT ALLOWED DRIVEWAY OPENING AT THE CURB IS A MAXIMUM OF TWENTY-FIVE (25) FEET. WITH THREE CAR GARAGES AND PARKING OF TRAILERS, RECREATIONAL VEHICLES, BOATS, AND SUCH BECOMING MORE PREVALENT, THERE ARE MANY IN HYRUM THAT DESIRE A WIDER DRIVEWAY APPROACH. RESIDENTS HAVE ASKED STAFF AND MEMBERS OF THE CITY COUNCIL TO CONSIDER CHANGING THIS MINIMUM.**

Zoning Administrator Matt Holmes said the maximum driveway width was last changed in 2019. Since then, many homes have come in with extended driveways and third car garages. Several people have come to the City Office and the City Council requesting the driveway width to be changed.

Chairman Paul Willardson asked if Roads/Water Superintendent Kade Maughan sees an issue with the change regarding streets or water.

Zoning Administrator Matt Holmes said there are no concerns on the city side as snow is pushed to the side. The main change is the driveway approach width.

Chairman Paul Willardson asked if there is a concern with drainage and water not staying in the curbs. Is there a certain amount of concrete that must be left to help with water?

Zoning Administrator Matt Holmes said there is a minimum on the concrete thickness and cuts of concrete.

Commissioner Terry Mann asked why the opening at the curb would have been changed to a smaller size.

Zoning Administrator Matt Holmes said he is not sure what the reasoning would be to decrease the size.

Commissioner Blake Foster asked if the Planning Commission can change the width to thirty-two or thirty-five feet.

Zoning Administrator Matt Holmes said they can make any width recommendation to the City Council.

Chairman Paul Willardson said the twenty-five-foot opening makes 30% of the frontage being driveway. If changing the opening to thirty-five-foot, it makes 42% of the frontage being driveway.

Commissioner Terry Mann asked if changing the width causes a problem with trees in the park strip.

Zoning Administrator Matt Holmes said that two trees are required, and it would not cause any problems.

Chairman Paul Willardson said he can't figure out why the width would have been changed. Homeowners will make their driveway as big as they want once they get passed the approach.

Commissioner Brian Carver arrived at 6:40 P.M.

Commissioner Brian Carver doesn't see anything wrong with a thirty-five-foot driveway opening. People are building out to the property lines and cutting curbs on their own.

Commissioner Terry Mann said it doesn't affect green space either.

Commissioner Brian Carver said it also doesn't affect runoff of water.

Zoning Administrator Matt Holmes said it is not necessary to make a recommendation tonight.

Chairman Paul Willardson asked if the city staff had addressed any concerns.

Zoning Administrator Matt Holmes said there has not been much of a discussion.

Commissioner Brian Carver said wider driveway openings could diminish the amount of space for on street parking. The thirty-five-foot opening takes away an extra half a car length.

Chairman Paul Willardson said if the change is made, he doesn't see a large increase of people going out and cutting their driveways. Areas that get heavy parking like parades routes and sport complexes don't have curbs and gutters that would be affected by the change. The benefit still outweighs the cost.

**ACTION**

Commissioner Blake Foster made a motion to recommend approval of a zoning amendment to Title 17 Off-Street Parking to change the maximum driveway opening at the curb from twenty-five-feet to thirty-five-feet and other miscellaneous cleanup items. Commissioner Terry Mann seconded the motion and Commissioners Carver, Foster, Mann, and Willardson voted aye.

ZONING AMENDMENT TO TITLE 17 NONCONFORMING BUILDINGS AND USE - THE CURRENT SECTION OF THE HYRUM CITY CODE ALLOWS FOR SOME PROVISIONS FOR SPECIFIC CIRCUMSTANCES OF NONCONFORMING USE TO CONTINUE WITHOUT ABANDONMENT AND EXPAND IN A ZONE THAT DOES NOT PERMIT SUCH USE. OUR ATTORNEY SUGGESTS THAT THE CODE PERMITTING SUCH EXCEPTIONS SHOULD BE CHANGED TO APPLY THE RESTRICTIONS OF NONCONFORMING USE TO BE APPLIED CONSISTENTLY THROUGHOUT HYRUM. SOME OTHER MINOR HOUSEKEEPING CHANGES MAY BE MADE AT THIS TIME.

Zoning Administrator Matt Holmes said when reading through the code, there were some items that were inconsistent and made a loophole for one property in particular. A legal non-conforming use is when the use of a property was established it was legal and then the zone changed making the use illegal.

Chairman Paul Willardson asked for an example.

Zoning Administrator Matt Holmes said there is a business in town that was allowed a particular use and then the zoning of the area changed to residential. There was a light industrial use that was proposed and there was a conditional use. If you stop using the space for more than a year you lose the right to the property. This particular property was allowed to expand on the same parcel and didn't lose the rights after one year.

Chairman Paul Willardson asked if there was an active case with the attorney reviewing this.

Zoning Administrator Matt Holmes said there is an active case, and this change would make the policy consistent throughout Hyrum. The area in discussion is a light use located in a residential agricultural zone surrounded by residential.

Chairman Paul Willardson asked when the zone changed.

Commissioner Brian Carver said it changed April 1, 2008.

Zoning Administrator Matt Holmes said Hyrum City is trying to bring this property into conformance. The current owner and previous owners have been to the Planning Commission multiple times to expand and for extra parking.

Chairman Paul Willardson asked about legal nonconforming use if there is a new owner.

Zoning Administrator Matt Holmes said ownership can change if they stay within the parameters with the understanding to continue the approved use. If changing the use it would not be allowed. Other changes to this document are housekeeping grammatical errors.

Chairman Paul Willardson said Chapter 17.80 would remove the exception of the twelve-month rule and enlargement would be under the same rules as everybody else. Paul said this seems fair and asked if there were any further thoughts.

Commissioner Brian Carver said the change makes sense and makes the code easier to comply with.

Chairman Paul Willardson said he trusts the recommendation by the attorney.

**ACTION Commissioner Brian Carver made a motion to recommend City Council adoption of a zoning amendment to Title 17 Nonconforming Buildings and Use as presented. Commissioner Blake foster seconded the motion and Commissioners Carver, Foster, Mann, and Willardson voted aye.**

Chairman Paul Willardson asked what the next step is as a follow up to the previous joint meeting with the City Council.

Zoning Administrator Matt Holmes said he is working on getting an RFQ put together for the general plan and possibly the master plan. This is a request for qualifications to see how many responses are received and then those requests will be narrowed down to the best. The hope is to have an RFQ by the end of year and have it out by spring.

**ADJOURNMENT:**

**ACTION There being no further business before the Planning Commission, the meeting adjourned at 7:06 p.m.**

\_\_\_\_\_  
Paul Willardson  
Chairman

ATTEST:

\_\_\_\_\_  
Hailey Brown  
Secretary

Approved: \_\_\_\_\_  
As Written