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## City Council Agenda Information

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**To:** Mayor Miller and City Council

**From:** Tony Ekins, City Planner

**Date:** February 13, 2026

**Subject:** Ordinance 26-09 – An ordinance amending Title 17 Zoning of the Hyrum City Municipal Code to create Chapter 17.64 Agritourism; amending 17.04.070 definitions to include agritourism activities and amending Sections 17.22.030.C. and 17.38.010 C. Use Regulations to include "Agritourism" as a Conditional Use in the Open Space Zone OS and in Residential Agricultural Zone RA.

### **Summary:**

Hyrum City was approached by the James family, citizens of Hyrum City who desire to conduct "agritourism" on their property parcel in the Residential Agricultural Zone RA to attract participants to his family's farm for family events, weddings, and wedding receptions. When staff discussed and researched agritourism with the James family, staff determined agritourism would support the agricultural heritage and rural open spaces in Hyrum by providing farms who are committed to maintaining agricultural property the ability to generate additional income, and provide accessory uses that allow visitors coming to their farms for entertainment, recreational, educational, or similar agriculture-oriented attractions.

### **Planning Commission Recommendation:**

On January 8, 2026, the Planning Commission held the required public hearing and discussed the draft amendment. The planning commission made a vote to continue the item to allow staff to revise the draft for further delegation. (See attached Draft Amendment and January 8, 2026, Planning Commission Meeting Minutes)

On February 12, 2026, the Planning Commission reviewed the revisions and made a motion (5-0 Vote) to recommend the draft amendment to the City Council. While preparing ordinance 26-09, staff cleaned up minor grammar as shown by red strikethrough on the prepared ordinance 26-09.

### **City Council Meeting Details:**

- Meeting Date: February 19, 2026
- Council Role: Legislative with Roll Call Vote

### **Attachments:**

1. Prepared ordinance 26-09
2. Draft Amendment
3. January 8, 2026, Planning Commission Meeting Minutes

ORDINANCE 26-09

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 17 of the Hyrum City Municipal Code is known as the Zoning Ordinance of Hyrum City and sets forth regulations governing land use within the municipal limits; and

WHEREAS, Section 17.04.040 allows Title 17 of the Hyrum City Municipal Code, the Zoning Ordinance, to be amended by the City Council following fourteen days' notice and a public hearing; and

WHEREAS, the City Council has determined there is a need to amend Title 17 to further clarify those regulations governing zoning and other regulations controlling land use and development within Hyrum City.

NOW THEREFORE, upon recommendation of the Planning Commission and following a public hearing as required by Section 17.04.040, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING TITLE 17 ZONING OF THE HYRUM CITY MUNICIPAL CODE TO CREATE CHAPTER 17.64 AGRITOURISM; AMENDING 17.04.070 DEFINITIONS TO INCLUDE AGRITOURISM ACTIVITIES AND AMENDING SECTIONS 17.22.030.C. AND 17.38.010 C. USE REGULATIONS TO INCLUDE "AGRITOURISM" AS A CONDITIONAL USE IN THE OPEN SPACE ZONE OS AND IN RESIDENTIAL AGRICULTURAL ZONE RA.

1. Section 17.04.070 Definitions of the Hyrum City Municipal Code is hereby added to read as follows:

Agricultural Enterprise - "Agricultural Enterprise" means a farm, ranch, or other agricultural operation.

Agritourism - "Agritourism" means the combination of agricultural production with tourism to attract participants from the general public to an agricultural enterprise for the entertainment, recreation, or education of participants.

Agritourism Activity - "Agritourism Activity" means an activity at an agricultural enterprise that a participant engages in or observes for entertainment, recreation, or education.

Agritourism Operator - "Agritourism Operator" means a person who provides an agritourism activity at an agricultural enterprise.

Artisan Goods Production - "Artisan Goods Production" means products that are produced on the agricultural enterprise in a skilled and traditional way that is made either completely by hand or with the help of hand-tools or even mechanical means, as long the direct manual contribution of the artisan remains the most substantial component of the finished product. (i.e., food, drinks, crafts, soap, or similar consumer products produced on the premises).

Entertainment Uses - "Entertainment Uses" means activities and structures that attract people to events or shows seasonally or periodically that are of a spectator nature. Entertainment can be indoors or outdoors.

Recreational Uses - "Recreational Uses" means activities and structures that are participatory in nature where guests are involved or may be observers. Recreational uses can be indoors or outdoors and correspond to the agricultural enterprise farming season.

2. Section 17.22.030 Use Regulations of the Hyrum City Municipal Code is hereby added to read as follows:

17.22.030 Use Regulations  
C. Conditional uses:  
7. Agritourism.

3. Section 17.38.010 Use Regulations of the Hyrum City Municipal Code is hereby added to read as follows:

17.38.010 Use Regulations  
C. Conditional uses:  
6. Agritourism.

4. Section 17.64 Agritourism of the Hyrum City Municipal Code is hereby added to read as follows:

## 17.64 Agritourism.

### A. Purpose and Intent.

1. The purpose of this chapter is to support the agricultural heritage and rural open space in Hyrum City by providing agricultural enterprises who are committed to maintaining agricultural property the ability to generate additional income from agritourism activities.
2. The intent of this chapter is to create uses that are accessory and incidentally related to an onsite agricultural enterprise that allow visitors coming to come to the site for entertainment, recreational, educational, or similar agriculture-oriented attractions.
3. The city has authority and obligation to regulate safety whenever agritourism attracts groups of people, vehicles, or whenever events concentrate people requiring sanitary facilities, access to public roads, existing safety, emergency access, avoidance of hazards, and fire safety.

### B. Conditional Use Permit and Business License Required.

1. No agritourism activity use shall be conducted without first obtaining a conditional use permit and business license.

### C. Supplemental Conditional Use Permit Application Narrative.

1. In addition to the conditional use permit application requirements listed in this Title, all agritourism applications shall be accompanied by a detailed narrative describing the agricultural enterprise and the overall vision for the proposed agritourism activities and shall also include the following:
  - a. Description of the anticipated changes to the agricultural enterprise, its general function and maintenance.
  - b. Description of the agritourism activities and how the agritourism is incidental and accessory to the agricultural enterprise, and a plan for how the agritourism operator will ensure the agritourism activities remains incidental and accessory in perpetuity.

- c. Description of the intended customer or clientele base that is expected to participate in the agritourism activities.
- d. Description of agriculturally related and non-agriculturally related types of facilities and equipment to be used for agritourism activities.
- e. Description of anticipated traffic, vehicle circulationscirculation, and parking plan that accommodates the parking needs for both employees and customer or clientele base.
- f. Description of hours of operation and anticipated number of visitors.

D. Plot Plan and Floor Plan Required.

- 1. A plot plan, as part of the conditional use permit, that includes property lines, location of all building structures including setbacks from property lines, entrances, and designated off-street parking.
- 2. A floor plan drawn to scale with labels on rooms indicating the proposed uses and ~~include~~includes the square feet clear floor space area of each room.
- 3. Site plan approval shall be required as regulated by this Title.
- 4. Zoning clearance shall be required as regulated by this Title.

E. Agricultural Enterprise Qualifications and Classification.

- 1. The following establishes the qualifications and classification for agricultural enterprises based on acreage:
  - a. Small Agricultural Enterprise. Includes a legal parcel that is a lot size of one (1) to five (5) acres.
  - b. Large Agricultural Enterprise. Includes a legal parcel that is a lot size greater than five (5) acres in size; or contiguous legal parcels that accumulate more than five (5) acres in size.

F. Agritourism Activity Use Table.

- 1. The following agritourism activities are determined desirable in conjunction with a primary agricultural enterprise. The uses may be subject to other requirements in this Title. "C" denotes allowed

conditional use agritourism activities in agricultural enterprise classifications. "NA" denotes agritourism activities in agricultural enterprise classifications that are not allowed.

<u>AGRITOURISM ACTIVITY USE TABLE 17.64.F.1</u>			
<u>Agritourism Activity Uses</u>	<u>Small Agricultural Enterprise</u>	<u>Large Agricultural Enterprise</u>	<u>Activity Setback From Any Dwelling On An Adjacent Not Included In Agritourism</u>
<u>Artisan Goods Production</u>	<u>C</u>	<u>C</u>	<u>*100 Feet</u>
<u>Corn Maze</u>	<u>NA</u>	<u>C</u>	<u>150 Feet</u>
<u>Entertainment or Recreational Uses (barn dance, playhouse theater, haystack slide, climbing area etc.)</u>	<u>C</u>	<u>C</u>	<u>150 Feet</u>
<u>Family Events, Family Reunions</u>	<u>NA</u>	<u>C</u>	<u>150 Feet</u>
<u>Farm Tour (agricultural demonstrations, crop exploration, animal encounters)</u>	<u>C</u>	<u>C</u>	<u>*100 Feet</u>
<u>Market for Multi Farmers / Off-site Products</u>	<u>C</u>	<u>C</u>	<u>*100 Feet</u>

<u>Passenger Rides (tractor, sleigh, wagon, etc.)</u>	<u>NA</u>	<u>C</u>	<u>150 Feet</u>
<u>Weddings, Wedding Receptions</u>	<u>NA</u>	<u>C</u>	<u>150 Feet</u>
<u>Any Other Approved Agritourism Use</u>	<u>C</u>	<u>C</u>	<u>C</u>
*Setback distances in this table shall be reduced by up to one-half the setback distance when a continuous six-foot tall opaque fence is installed that screens the potential visual and audible impacts to dwellings on an adjacent lot.			

G. Agritourism Activity Uses that shall not be considered as an approved agritourism use:

1. Overnight Accommodations (lodging house, recreational vehicles, camping, etc.).
2. Assembly of one thousand (1,000) guests or more (i.e., festivals, concerts, etc.).

H. Standards.

1. Proximity of agritourism activities to adjacent properties, existing buildings, and uses shall be considered in approving the conditional use permit.
2. Agritourism activities, structures and parking shall not be located within the minimum front yard setback.
3. New construction shall comply with the requirements of the City Code for accessory buildings.
4. The use is subject to Hyrum City zoning ordinance, business license ordinance, and conditional use permits ordinance.
5. The use is subject to Hyrum City nuisance ordinances regarding garbage collection and disposal, weed control, noise disturbance, and offenses against public peace, morals, and welfare. More than three (3) violations within a calendar year may result in the revocation of the conditional use permit and business license.

6. The agritourism site exterior lighting shall prevent glare onto adjacent properties and shall be dark-sky sensitive.

I. Parking Requirements.

1. All agritourism activities shall provide adequate off-street parking. No on-street parking within the public right of way is permitted.

2. Parking stalls are to be nine (9) feet by twenty (20) feet and be contained on agritourism site.

3. Any lights used to illuminate parking shall be arranged to reflect the light away from any dwelling on an adjacent lot.

4. All required parking must provide adequate provision of ingress and egress by standard-sized automobiles.

5. If a building structure, existing or new is included in the agritourism activity, a twenty (20) feet wide all-weather driveway surface from the public right of way to the building structure shall be required for fire and life safety emergency access on and off the site.

J. Fire Safety Inspection Required.

1. The business license application shall be referred for approval to the Hyrum City Fire Department for investigation and inspection as to whether or not all ordinances and codes pertaining to fire and safety compel compliance prior to the issuance of a business license.

5. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

6. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or

paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

7. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

8. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 19<sup>th</sup> day of February, 2026.

HYRUM CITY

BY: \_\_\_\_\_  
Steve J. Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Fricke  
City Recorder

Posted: \_\_\_\_\_

<b>Roll Call Vote -</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Councilmember Steve Adams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Rebecca Foulger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Michael Nelson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Nalyn Nelson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Craig Rasmussen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Draft Amendment

### 17.04.070 Definitions

Agricultural Enterprise – “Agricultural Enterprise” means a farm, ranch, or other agricultural operation.

Agritourism – “Agritourism” means the combination of agricultural production with tourism to attract participants from the general public to an agricultural enterprise for the entertainment, recreation, or education of participants.

Agritourism Activity – “Agritourism Activity” means an activity at an agricultural enterprise that a participant engages in or observes for entertainment, recreation, or education.

Agritourism Operator – “Agritourism Operator” means a person who provides an agritourism activity at an agricultural enterprise.

Artisan Goods Production – “Artisan Goods Production” means products that are produced on the agricultural enterprise in a skilled and traditional way that is made either completely by hand or with the help of hand-tools or even mechanical means, as long the direct manual contribution of the artisan remains the most substantial component of the finished product. (i.e., food, drinks, crafts, soap, or similar consumer products produced on the premises).

Entertainment Uses – “Entertainment Uses” means activities and structures that attract people to events or shows seasonally or periodically that are of a spectator nature. Entertainment uses can be indoors or outdoors.

Recreational Uses – “Recreational Uses” means activities and structures that are participatory in nature where guests are involved or may be observers. Recreational uses can be indoors or outdoors and correspond to the agricultural enterprise farming season.

### 17.22.030 Use Regulations

- A-C. Conditional Uses:  
7. Agritourism

### 17.38.010 Use Regulations

- C. Conditional Uses:  
6. Agritourism

### 17.64 Agritourism.

#### A. Purpose and Intent.

1. The purpose of this chapter is to support the agricultural heritage and rural open space in Hyrum City by providing agricultural enterprises who are committed to maintaining agricultural property the ability to generate additional income from agritourism activities.
2. The intent of this chapter to create uses that are accessory and incidentally related to an onsite agricultural enterprise that allow visitors coming to the site for entertainment, recreational, educational, or similar agriculture-oriented attractions.
- 2-3. The city has authority and obligation to regulate safety whenever agritourism attracts groups of people, vehicles, or whenever events concentrate people requiring sanitary facilities, access to public roads, existing safety, emergency access, avoidance of hazards, and fire safety.

#### B. Qualifications:

1. The agritourism operator seeking agritourism and agritourism activities shall demonstrate at the time of conditional use and business license application, as well as throughout the duration of the agritourism use, all of the following:

- ~~a. Demonstrate the agricultural operator has owned the agritourism enterprise for the last two (2) years; and~~
- ~~b. Demonstrate the agricultural enterprise's gross acreage has been actively devoted to an agricultural use for the last two (2) years and has been routinely maintained in an agriculturally productive manner, including barns and similar buildings or structures intended to serve the agricultural enterprise.~~

~~C.B. Conditional Use Permit Required and Business License Required.~~

- ~~1. No agritourism activity use entity shall be occupied-conducted without first obtaining a conditional or permitted use permit and business license.~~

~~D. Business License Required.~~

- ~~1. No entity shall be occupied without first obtaining a business license. The provisions set forth in the code shall be controlling all matters relating to the requirements and issuance and renewal of a business license.~~

~~E.C. Supplemental Conditional Use Permit Application Narrative.~~

- ~~1. In addition to the conditional use permit application requirements listed in this Title, all agritourism applications shall be accompanied by a detailed narrative describing the agricultural enterprise and the overall vision for the proposed agritourism activities and shall also include the following:
  - ~~a. History of the agricultural enterprise with evidence that demonstrates the agritourism activities meets the minimum qualifications.~~
  - ~~b.a. Description of the anticipated changes to the agricultural enterprise, its general function and maintenance.~~
  - ~~e.b. Description of the agritourism activities and how the agritourism is incidental and accessory to the agricultural enterprise, and a plan for how the agritourism operator will ensure the agritourism activities remains incidental and accessory in perpetuity.~~
  - ~~d.c. Description of the intended customer or clientele base that is expected to participate in the agritourism activities.~~
  - ~~e.d. Description of agriculturally related and non-agriculturally related types of facilities and equipment to be used for agritourism activities.~~
  - ~~f.e. Description of anticipated traffic, vehicle circulations, and parking plan that accommodates the parking needs for both employees and customer or clientele base.~~
  - ~~g.f. Description of hours of operation and anticipated number of visitors.~~~~

~~F.D. Plot Plans and Floor Plan Required.~~

- ~~1. A plot plan, as part of the conditional use permit, that includes property lines, location of all building structures including setbacks from property lines, entrances, and designated off-street parking.~~
- ~~2. A floor plan drawn to scale with labels on rooms indicating the proposed uses and include the square feet clear floor space area of each room.~~
- ~~3. Site plan approval may-shall be required as regulated by this Title.~~
- ~~4. Zoning clearance may-shall be required as regulated by this Title.~~

~~G.E. Agricultural Enterprise Qualifications and Classification.~~

- ~~1. The following establishes the qualifications and classification for agricultural enterprises based on acreage:
  - ~~a. Small Agricultural Enterprise. Includes an agricultural enterprise located on a legal parcel that is agriculturally productive consisting of a lot size of one (1) to five (5) acres. Agritourism activities shall clearly be incidental and accessory to the agricultural enterprise and agritourism shall not occupy an~~~~

area that is larger than twenty percent (25%) of the agricultural enterprise gross acreage of agricultural production.

- b. Large Agricultural Enterprise. Includes an agricultural enterprise located on a legal parcel that is agriculturally productive consisting of a lot size greater than five (5) acres or larger in size; or contiguous legal parcels that accumulate more than five (5) acres in size. Agritourism activities shall clearly be incidental and accessory to the agricultural enterprise and agritourism shall not occupy an area that is larger than fifty percent (50%) of the agricultural enterprise gross acreage of agricultural production.

H.F. Agritourism Activity Use Table.

1. The following agritourism activities are determined desirable in conjunction with a primary agricultural enterprise. The uses may be subject to other requirements in this Title. "C" denotes allowed conditional use agritourism activities in agricultural enterprise classifications. "NA" denotes agritourism activities in agricultural enterprise classifications that are not allowed.

<u>AGRITOURISM ACTIVITY USE TABLE 17.64.F.1</u>			
<u>Agritourism Activity Uses</u>	<u>Small Agricultural Enterprise</u>	<u>Large Agricultural Enterprise</u>	<u>Activity Setback From Any Dwelling On An Adjacent Not Included In Agritourism</u>
<u>Artisan Goods Production</u>	<u>C</u>	<u>C</u>	<u>*100 Feet</u>
<u>Corn Maze</u>	<u>NA</u>	<u>C</u>	<u>150 Feet</u>
<u>Entertainment or Recreational Uses (barn dance, playhouse theater, haystack slide, climbing area etc.)</u>	<u>C</u>	<u>C</u>	<u>150 Feet</u>
<u>Family Events, Family Reunions</u>	<u>NA</u>	<u>C</u>	<u>150 Feet</u>
<u>Farm Tour (agricultural demonstrations, crop exploration, animal encounters)</u>	<u>C</u>	<u>C</u>	<u>*100 Feet</u>
<u>Market for Multi Farmers / Off-site Products</u>	<u>C</u>	<u>C</u>	<u>*100 Feet</u>
<u>Passenger Rides (tractor, sleigh, wagon, etc.)</u>	<u>NA</u>	<u>C</u>	<u>150 Feet</u>
<u>Weddings, Wedding Receptions</u>	<u>NA</u>	<u>C</u>	<u>150 Feet</u>
<u>Any Other Approved Agritourism Use</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>*Setback distances in this table shall be reduced by up to one-half the setback distance when a continuous six-foot tall opaque fence is installed that screens the potential visual and audible impacts to dwellings on an adjacent lot.</u>			

<u>AGRITOURISM ACTIVITY USE TABLE 17.64.H.1</u>				
<u>Agritourism Activity Uses</u>	<u>Small Agricultural Enterprise</u>	<u>Large Agricultural Enterprise</u>	<u>Agritourism Activity Side and Rear Yard Setback Standards</u>	
			<u>From Agricultural Enterprise Exterior Boundary</u>	<u>From Any Dwelling on an Adjacent Lot</u>
<u>Farm Tour (agricultural demonstrations, education, crop exploration, animal encounters, tractor, sleigh, wagon rides)</u>	<u>0</u>	<u>0</u>	<u>100 Feet</u>	<u>*200 Feet</u>
<u>Entertainment (barn dance, family events, family reunions, weddings, wedding receptions)</u>	<u>0</u>	<u>0</u>	<u>100 Feet</u>	<u>*200 Feet</u>
<u>Seasonal Amusement (corn maze, hay stack slide or climbing area, pumpkin walks)</u>	<u>0</u>	<u>0</u>	<u>100 Feet</u>	<u>*200 Feet</u>
<u>Any Other Approved Agritourism Use</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>* The outdoor agritourism activity setback distances in this table shall be reduced by up to one-half when a continuous six-foot tall opaque fence or six-foot tall opaque landscaping is installed that screens the potential visual and audible impacts to neighboring properties.</u>				

I.G. Agritourism Activity Uses that shall not be considered as an approved agritourism use:

1. Overnight Accommodations (lodging house, recreational vehicles, camping, etc.).
2. Assembly of Mass Gatherings one-thousand (1,000) guests or more (i.e., festivals, concerts, etc.).

J.H. Standards.

1. Proximity of agritourism activities to adjacent properties, existing buildings, and uses shall be considered in approving the site plan conditional use permit.
2. Front-yard setbacks for agritourism activities, buildings, and parking shall be thirty (30) feet.
- 3.2. Agritourism activities, structures and parking shall not be located within the minimum front yard setback.
- 4.3. New construction shall comply with the requirements of the City Code for accessory buildings.
- 5.4. The use is subject to Hyrum City zoning ordinance, business license ordinance, and conditional use permits ordinance.
- 6.5. The use is subject to Hyrum City nuisance ordinances regarding garbage collection and disposal, weed control, noise disturbance, and offenses against public peace, morals, and welfare. More than three (3) violations within a calendar year may result in the revocation of the conditional use permit and business license.

7.6. The agritourism site exterior lighting shall prevent glare onto adjacent properties and shall be dark-sky sensitive.

K.I. Parking Requirements.

1. All agritourism activities shall provide adequate off-street parking. No on-street parking within the public right of way is permitted. Parking shall be a minimum of fifteen (15) feet from a property line of any dwelling on an adjacent lot.
2. Parking stalls are to be nine (9) feet by twenty (20) feet and be contained on agritourism site.
3. Any lights used to illuminate parking shall be arranged to reflect the light away from any dwelling on an adjacent lot.
4. All required parking must provide adequate provision of ingress and egress by standard-sized automobiles.
5. If a building structure, existing or new is included in the agritourism activity, an **twenty (20) feet wide** all-weather driveway surface from the public right of way to the building structure shall be required for fire and life safety emergency access on and off the site.
6. ~~No on-street parking or parking within the public right of way is permitted for vehicles associated with the guest use.~~

L.J. Fire Safety Inspection Required.

1. The business license application shall be referred for approval to the Hyrum City Fire Department for investigation and inspection as to whether or not all ordinances and codes pertaining to fire and safety compel compliance prior to the issuance of a business license.

~~2 TO REMOVE CERTAIN PERMITTED AND CONDITIONAL USES.~~

~~City Planner Ekins said that this amendment is in preparation for the update of the general plan. City staff went through the permitted and conditional uses for commercial zones C-1 and C-2 and recommended amendments and the removal of some of the types of uses.~~

~~ACTION Commissioner McBride made a motion to open the public hearing at 6:43 P.M. Commissioner Bair seconded the motion and commissioners Bair, McBride Nelson, and Willardson voted aye.~~

~~Chairman Nelson asked if there were any members of the public who would like to speak to come up to the podium and state their name and address for the record.~~

~~ACTION Commissioner Willardson made a motion to close the public hearing at 6:44 P.M. Commissioner McBride seconded the motion and Commissioners Bair, McBride Nelson, and Willardson voted aye.~~

**SCHEDULED DELEGATIONS:**

BRAD JAMES, ORDINANCE AMENDMENT - SEEKING RECOMMENDATION TO THE CITY COUNCIL FOR AN ORDINANCE AMENDING TITLE 17 ZONING OF THE HYRUM CITY MUNICIPAL CODE TO CREATE CHAPTER 17.64 AGRITOURISM; AMEND 17.04.070 DEFINITIONS TO DEFINE AND INCLUDE "AGRICULTURAL ENTERPRISE", "AGRITOURISM", "AGRITOURISM ACTIVITY", AND "AGRITOURISM OPERATOR"; AMEND SECTION 17.22.030.C USE REGULATIONS TO INCLUDE "AGRITOURISM" AS A CONDITIONAL USE IN THE OPEN SPACE ZONE OS; AND AMEND SECTION 17.38.010.C CONDITIONAL USES TO INCLUDE AGRITOURISM AS A CONDITIONAL USE IN THE RESIDENTIAL AGRICULTURAL ZONE RA.

City Planner Ekins said that the purpose of this amendment is to allow for more types of conditional uses in RA zones. This will help agricultural enterprises to remain agricultural land and receive additional income from agritourism activities. The agritourism operator will be required to obtain a conditional use permit and business license. Another requirement is that the agritourism operator must have owned the agricultural enterprise for two years.

Commissioner Bair asked what the purpose of the restriction of owning the property for two years was.

City Planner Ekins said that requirement was guidance from other codes regarding agritourism. In hindsight, if any property that had an active agritourism activity gets sold to a new owner who wanted to continue that activity, they would not qualify. He said that this rule could be taken out. Ekins asked if the commission had any comments regarding the code on gross acreage.

Commissioner Willardson asked why the percentage of use for agritourism could not be over 50% of the acreage.

City Planner Ekins said that agriculture is still a benefit to the owner and community. If the activity takes up the entire plot of land, it will become a constant business that would end up better somewhere else.

Commissioner Bair said that if the property is zoned agriculture, the property owner should still be able to apply for agritourism, regardless of if they had maintained it for the past two years.

Chairman Nelson said that a lot of farm parcels have homes and yards on them, which are not typically associated with agricultural use. There also may be parts of the property that may not be as productive for agriculture use and would be better to be used for agritourism.

City Planner Ekins explained that, based on Chairman Nelson's comments, any land zoned RA should be allowed to be used for agritourism, no matter how productive the land has been in the past.

Commissioner Willardson asked how the city would know if the property has been used productively or not.

City Planner Ekins said that all of Section B could potentially be taken out. He said that the applicant will have to get a conditional use permit and a business license before agritourism activities can start. Ekins said that parts of Section E could be removed as well.

Chairman Nelson said that he does not mind if the history of agricultural use is given with the application, however, evidence is unnecessary.

Commissioner Bair said she was not sure if the history of the land use was relevant.

City Planner Ekins said that other requirements for the application would be a description of the anticipated changes to the agricultural enterprise's general function and a description of how the agritourism activities will remain incidental and accessory to the agricultural enterprise.

Commissioner Willardson asked how a corn maze would remain incidental to the agricultural function.

City Planner Ekins said that a corn maze is incidental to a corn farm. It stays in line with the original use.

Chairman Nelson clarified that incidental uses support the primary use.

City Planner Ekins said that a description of both agricultural related and non-agricultural related types of facilities and equipment that will be used for agritourism activities. A description of anticipated traffic circulation will also be required. The applicant must also provide a parking plan that accommodates their employees and customers.

Commissioner Willardson asked if the parking and traffic details were part of the business license process.

City Planner Ekins answered that it is part of the conditional use review.

Commissioner Willardson asked if it was redundant to have similar requirements in different sections.

Chairman Nelson said he reads it as it is part of the conditional use permit.

Commissioner Bair said that it is ok to be a bit redundant as sometimes some details get missed in different sections.

City Planner Ekins said that another requirement would be a description of hours of operation. This gives staff an idea of anticipated number of visitors and the hours of operation. The noise ordinance needs to be considered when deciding the hours of operations.

Chairman Nelson said that he is concerned regarding conditional

use permits. According to state code, the Planning Commission can put conditions based on standards to mitigate the impact. He was concerned that there are no standards. If a wedding or dance venue opens, they may need a longer timeframe for hours of operation, which may negatively impact the surrounding community. The way it is currently written is very open ended. They should be careful as it could be an issue if it is not implemented well.

Commissioner Bair said that it would be very subjective to different types of businesses. It should be done on a case-by-case basis. She said that the Planning Commission should have the authority to recommend the hours.

City Engineer Holmes said that there are quiet hours. There are standards that designate times the decibel levels need to be under a certain amount.

City Planner Ekins said that since it is part of the list, it will be one of the items that will be discussed when an applicant comes in for a conditional use permit. He said that he had spoken with Keesha Rinderknecht about times of operation and how they are established. She said that different businesses have customers with different needs at different times of the day. The conditional use permit allows conditions to be specific to one site.

City Planner Ekins said that plot plans must include property lines, locations of all structures, setbacks, designated off street parking, and floor plan drawings. Any buildings that are planned to be used or built are required to provide floor plans. If a structure is built, then sections F-3 and F-4 will also be applicable.

Chairman Nelson asked if a site plan is typically done with conditional use permits.

City Planner Ekins answered yes.

City Planner Ekins read out the classification of a small agricultural enterprise. He said that based on earlier conversation; this definition will need to be adjusted.

Commissioner Willardson asked if the Planning Commission was ok with the 25% rule on acreage.

City Planner Ekins said that restriction was put in place to make sure the entire property did not get overtaken by agritourism. The rest should remain purely agricultural.

Commissioner Bair said that it depends on the lot size. If a lot is only 1 acre, half of it being a building is very significant. However, on a 5-acre lot, the 2.5 acres is a lot less impactful.

Chairman Nelson said that with the current recommended setbacks, it will be very difficult to make a 1-acre plot work. There should be regulations to make sure agricultural production is still occurring instead of becoming a commercial business. The highest percentage of property to be used for agritourism should be 50%. He agreed with Commissioner Bair's comment that 1 acre lots with that recommendation would be a bit overwhelming compared to 5 acre lots.

Commissioner Bair said that if the setbacks are sufficient at minimizing impact for small lots, then 50% restriction on 5 acre lots would work.

City Planner Ekins asked if small agricultural enterprises should be 2.5-5 acres.

Commissioner Willardson agreed that 1 acre lots would be too small.

City Planner Ekins said that one use that was discussed was where a customer would come to the property to pick some produce. The staff had decided it was best not to be involved in those operations. The city does not have to regulate them.

Chairman Nelson clarified that this would only regulate agritourism activities, where people are invited to participate either observe or interact with the agriculture. He asked if the applicant had a significant amount of acreage and if this change would impact their proposal.

City Planner Ekins answered that they do have enough property that this would not affect their proposal.

Chairman Nelson said that a light agritourism, like a pick your own produce farm, with a 200 feet setback would make for a very small impact. For a wedding venue, however, the setback would make more sense in controlling the impact.

City Planner Ekins said that the "you-pick" was left out of the use table. He wondered if seasonal activities, like a pumpkin walk should not be part of the use table as well.

Chairman Nelson said that "you-pick" could fall under the seasonal

activity title as well.

City Engineer Holmes asked how, in a "you-pick" situation, agricultural production could be separated from agritourism, since visitors would walk throughout the property to pick the produce.

City Planner Ekins said that was why the "you pick" was left out. He suggested that the percentages could be replaced with setbacks.

Chairman Nelson said there are some accessory uses that will take more than 50% of the property that would not have much of an impact. A wedding venue, however, would have more of an impact. Little Bear Bottoms provides agritourism activities but also has a spook alley. There are a lot of different activities but not all of them would be able to meet the given terms. They could have very strict rules that would prevent the "bad things"; however, it may also prevent the "good things" as well. It would be better to have rules that keep things balanced.

City Planner Ekins went through the Agritourism Activity Use Table. He said that some of these activities' impacts would be mitigated by setbacks, but others may not need setbacks at all.

Chairman Nelson said that entertainment activities would need setbacks the most. Parking areas would also need setbacks.

Commissioner Willardson agreed that entertainment activities should have setbacks, as well as seasonal activities. Farm tour activities should not have setbacks.

City Planner Ekins said that if that was the case, 1-acre properties could potentially be allowed to do agritourism activities.

Commissioner Bair asked if seasonal amusement needed setbacks.

Commissioner Willardson said that he would like the setbacks for noise or other types of disturbances.

Chairman Nelson asked if the restrictions of how much property can be used for agritourism should be based upon use. If there is going to be a farm tour, it does not make sense if the tour is limited to 25% of the farm. However, entertainment uses should have a restriction on how much the property gets used for it.

City Planner Ekins said that the table can be reformatted. He suggested columns for small and large agricultural enterprises

that break down the coverage into a table with the different uses. The column that says "From Agricultural Enterprise Exterior Boundary" could be replaced with activity coverage. The setbacks regarding if there is a dwelling on an adjacent lot would stay.

The Planning Commission agreed with those changes.

City Planner Ekins said that Small Agricultural Enterprise would range from 1-5 acres while a Large Agricultural Enterprise would be greater than 5 acres. He said that coverages and setbacks can be based on the type of use.

Commissioner Bair suggested that Ekins should come back to the Planning Commission with all the changes.

City Planner Ekins asked the commission if they liked the idea of setbacks getting reduced up to one-half of their measurement if either 6-foot opaque fencing or landscaping is put in that screens any potential impacts to the neighboring properties.

Chairman Nelson said he supported the reduction of setbacks if a barrier is provided.

City Planner Ekins read through Section I which states the unapproved uses for Agritourism to be overnight accommodations and mass gatherings.

Commissioner Bair asked for a clearer definition of a mass gathering. She said if the venue gets used for a family reunion, who ends up hiring a band, that could be considered as a concert. The mass gathering should be based on the number of participants, rather than activities. A festival or concert can be scaled down to 20 people.

City Planner Ekins said that according to the health department, a mass gathering would be considered as an event with at least 1,000 people.

Chairman Nelson said that he would like there to be a setback for parking lots from residential property.

City Planner Ekins said that parking requirements were listed in Section K.

Chairman Nelson asked if 15 feet would be sufficient for all events.

City Planner Ekins said that 15 feet was the setback for the commercial district from residential lots, which constantly has traffic.

City Planner Ekins read through section J, which states the standards for setbacks and other ordinances that agritourism is subject to. Something he wanted to highlight in this section was that no residential homes would be allowed for new construction, only accessory buildings. Ekins recommended that J-7, regarding lighting, should be crossed out. It was brought up at a City Council meeting, but the code only applies to the commercial zones.

City Planner Ekins moved onto Section K, which states the parking requirements. The parking lot must be at least 15 feet away from the property line of an adjacent lot with a dwelling. He suggested that the distance should just be 15 feet, regardless of whether there is or is not a dwelling on the adjacent lot.

Commissioner Bair agreed with that change. That way there would not be any issues of accidentally parking on someone else's property.

City Planner Ekins said that the parking stalls should be 9x20 feet and be completely contained on the agritourism site. Any lighting for the parking lot should be reflected in a way so it does not impact nearby dwellings.

Commissioner Bair asked why Section J-3 was not included in the parking section.

City Planner Ekins said that J-3 can be moved into the parking section.

City Engineer Holmes recommended the addition of a 20-foot minimum drive aisle for emergency vehicles.

Chairman Nelson said that 24 feet is more typical.

City Engineer Holmes said it could be 24 feet. Twenty feet is the minimum for a fire lane. It does not fit an engine but is sufficient for an ambulance.

Chairman Nelson said that he was ok with the 20-foot minimum. He asked if the city has general parking standards.

City Engineer Holmes said that there are standards, but he was not positive on what they were.

City Planner Ekins said that all required parking must provide adequate ingress and egress for standard-sized vehicles. If there is a building that is used for agritourism, then an all-weather driveway surface from the public right-of-way to the structure must be provided for emergency services access. He said that the aisle width would be discussed at a staff review for any applications. A minimum can be included, but the fire department will change it during their review to fit their needs. Ekins said that not all agritourism activities will be all year round. The fire department said they would accept agricultural land. The parking lot is not required to be asphalt and striped.

Chairman Nelson asked why Ekins was planning to remove the lighting standards stated in Section J-7.

City Planner Ekins said that the code text had come from the short-term rentals code. In a City Council meeting, a comment was made that this type of lighting requirement would apply to commercial districts, whereas short-term rentals are in single family residential zones. It brought into question if the city should be regulating lighting coming from residential homes.

Chairman Nelson said he would prefer for the light requirement to remain in the code for agritourism. Depending on the event, lots of lights could be involved. Agritourism has the potential to have more impact than lights from a house.

City Engineer Holmes said that lights may have an impact on animals in the agricultural zone. There should be some sort of light regulations to mitigate impact on the neighbors' animals and other profits.

Commissioner Bair suggested that the light requirement could just be applied if there was a neighboring property with a house on it.

Commissioner Willardson asked if the lighting requirement could be part of the review of the conditional use permit.

Chairman Nelson said that it could be, however, he thought that if the regulation was a part of the code, their review would be stronger. It also would help from appearing to be arbitrary towards different applications.

Chairman Nelson invited Brad James to the stand.

Brad James asked the reasoning for the parking lot to be 15 feet

from any property line. He said that the area where they are planning to put the parking lot is completely fenced. The property next to him is open space.

Commissioner Bair said that they could go back to the original rule of a 15-foot setback for parking if there is a dwelling on the neighboring property.

Chairman Nelson said there are other impacts from cars, specifically at night with headlights, or general noise. He asked the commission if they had other thoughts.

Commissioner Willardson said he was not too concerned with the parking for agritourism.

Commissioner Bair said that a fence gives a clear, defined boundary.

City Engineer Holmes said that another factor to put into consideration is with how close a dwelling is to the property line. In an agricultural area, a home may be farther out than the typical 8 feet for a residential area.

Chairman Nelson said that he would still like some parking regulations. His suggestion was that the standard setback is 15 feet, however if there is fencing put in place and the adjacent properties' is 30-50 feet away, the setback can be reduced to 5 feet.

City Planner Ekins said that most agricultural fences are made of barbed wire and wooden posts, which may not do much against anticipated impacts.

Chairman Nelson said that if the fence is only barbed wire, then the setback would remain 15 feet. To get the reduced setback they would have to provide some sort of shielding.

Commissioner Bair asked whether that requirement was necessary if the neighboring property was just an empty field, or if there was a dwelling located far from the property line.

The commission discussed whether the parking regulations should remain as written or if there should be conditions that, if met, would reduce the setback. The conditions they were considering were a fence on the boundary line, and the distance of the dwelling from the boundary line, if there even is one.

Nikki Yeager said that they currently have a barbed wire fence between the properties. The closest dwelling is about 1 acre away from the property line and is on a hill. She said that any light or water run off pollution will not affect the house as it would go into a hill. Regardless of how far back the parking lot is from the property line, it will not affect the neighbor's house. She asked that the code is written in a way that will allow for the property's conditions to be considered.

Commissioner Willardson said he sees how these types of rules are important in commercial district, but does not think they are as needed in agritourism. Willardson suggested that the 15-foot setback should be struck out of the code.

Commissioner Bair agreed. Rules can be imposed on a case-by-case basis, as each property is different. Since the parking plan is still required, it will be reviewed under each application.

Commissioner Willardson asked Brad James what they are planning to do.

Brad James said that the property he has is just a bit too small to get much profit from cows or farming, but he still wants to continue to farm. He wants others to benefit from it as well. They are planning for a wedding and family reunion venue. He would eventually like to add in an educational component; however, his property is not ready for that.

**ACTION**

Commissioner Bair made a motion to table an ordinance amending Title 17 Zoning of the Hyrum City Municipal Code to create Chapter 17.64 Agritourism; amend 17.04.070 Definitions to define and include "Agricultural Enterprise", "Agritourism", "Agritourism Activity", and "Agritourism Operator"; Amend Section 17.22.030.C Use Regulations to include "Agritourism" as a Conditional Use in the Open Space Zone OS; and amend Section 17.38.010.C Conditional Uses to include Agritourism as a Conditional Use in the Residential Agricultural Zone RA for revisions to be made as discussed. Commissioner McBride seconded and commissioners Bair, McBride, Nelson, and Willardson voted aye.

~~HYRUM CITY, ORDINANCE AMENDMENT - SEEKING RECOMMENDATION TO THE CITY COUNCIL FOR AN ORDINANCE AMENDING TITLE 17 ZONING OF THE HYRUM CITY MUNICIPAL CODE SECTIONS 17.44.080 AND 17.45.150 GAS SERVICE~~