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Staff Evaluation First Review

Application: Brad James, Ordinance Amendment – 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.

Application Number: **25-044**
Preparation Date: January 2, 2025
Applicant Name: Brad James

Planning Commission: **January 8, 2026**
Commission Role: Recommending Body to City Council
Application Type: Amendment

Application Overview: Hyrum City was approached by a citizen who desires to conduct agritourism on their property parcel in the Residential Agricultural Zone. Agritourism is currently a use or activity permitted in Cache County on property parcels that provide on-site recreation, retail purchase, education, or participation of the general public provided the activities be located on a legal parcel that is primarily used for agricultural production.

Staff Comments:

1. Staff supports the amendment as proposed.

Planning Commission Responsibility:

1. A public hearing must be held by the Planning Commission.

Staff Recommendation:

1. The Planning Commission should have a thorough discussion of the application, staff evaluation, and specifying conditions and requirements.

Stipulations:

1. All proposed amendments shall first be recommended by the Planning Commission to the City Council for City Council consideration.

Findings of Fact:

1. The public hearing was noticed in accordance with Utah Code 10-9a-205.

Attachments:

- A. “Exhibit A” – 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.

17.22.030 Use Regulations

B. 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.

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. Conditional Use Permit Required.

1. No entity shall be occupied without first obtaining a conditional or permitted use permit.

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

F. Plans Required.

1. A plot plan 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 be required as regulated by this Title.
4. Zoning clearance may be required as regulated by this Title.

G. 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. 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.

| <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>C</u> | <u>C</u> | <u>100 Feet</u> | <u>*200 Feet</u> |
| <u>Entertainment (barn dance, family events, family reunions, weddings, wedding receptions)</u> | <u>C</u> | <u>C</u> | <u>100 Feet</u> | <u>*200 Feet</u> |
| <u>Seasonal Amusement (corn maze, hay stack slide or climbing area, pumpkin walks)</u> | <u>C</u> | <u>C</u> | <u>100 Feet</u> | <u>*200 Feet</u> |
| <u>Any Other Approved Agritourism Use</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</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. Agritourism Activity Uses that shall not be considered as an approved agritourism use:

1. Overnight Accommodations (lodging house, recreational vehicles, camping, etc.).
2. Mass Gatherings (festivals, concerts, etc.).

J. Standards.

1. Proximity of agritourism to adjacent properties, existing buildings, and uses shall be considered in approving the site plan.
2. Front-yard setbacks for agritourism activities, buildings, and parking shall be thirty (30) feet.
3. Agritourism structures and parking shall not be located within the minimum front yard setback.
4. New construction shall comply with the requirements of the City Code for accessory buildings.

5. The use is subject to Hyrum City zoning ordinance, business license ordinance, and conditional use permits ordinance.
6. 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.
7. The agritourism site exterior lighting shall prevent glare onto adjacent properties and shall be dark-sky sensitive.

K. Parking Requirements.

1. 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, an 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. 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.