

MINUTES OF A REGULAR MEETING OF THE HYRUM CITY PLANNING COMMISSION HELD NOVEMBER 13, 2025 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Stephen Nelson

PRESENT: Chairman Stephen Nelson, Vice Chair Angi Bair Commissioners Scott Casas, Averie Wheeler, Paul Willardson, and Alternate Member Marty McBride. Commissioner Casas left at 8:23 p.m.

CALL TO ORDER: There being six present and six representing a quorum, Chairman Stephen Nelson called the meeting to order.

OTHERS PRESENT: City Planner Tony Ekins, City Engineer Matt Holmes and two citizens. Secretary Shara Toone recorded the minutes.

PLEDGE OF ALLEGIANCE: Commissioner Nelson led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Commissioner Casas

APPROVAL OF MINUTES:

The minutes of a regular meeting held on October 9, 2025 were approved as written.

ACTION **Commissioner Wheeler made a motion to approve the minutes of October 9, 2025 as written. Commissioner Nelson seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.**

The minutes of a regular meeting held on October 15, 2025 were approved as written.

ACTION **Commissioner Willardson made a motion to approve the minutes of October 15, 2025 as written. Commissioner Wheeler seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.**

AGENDA APPROVAL:

A copy of the notice and agenda for this meeting was 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 Bair made a motion to approve the agenda for October 9, 2025, as written. Commissioner Casas seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

6. PUBLIC HEARINGS

- A. To receive public comment regarding an ordinance amending Title 17 Zoning of the Hyrum City Municipal Code to create Chapter 17.62 Short-term Rental; amend 17.04.070 Definitions to define and include "Short-term Rental"; and amend Use Regulations in sections 17.28.010, 17.44.020, and 17.45.020 to include Short-term Rental as a conditional use in the Residential Zones R-1 and R-2, Commercial Zones C-1 and C-2.
- B. To receive public comment regarding an ordinance amending Title 17 Zoning of the Hyrum City Municipal Code to create Chapter 17.63 Home-based Microschool and Micro-education Entity; amend 17.04.070 Definitions to define and include "Home-based Microschool" and "Micro-education Entity"; and amend Use Regulations in sections 17.22.030, 17.28.010, 17.30.010, 17.32.010, 17.36.010, 17.38.010, 17.44.020, 17.45.020, 17.48.020, and 17.49.020 to include Home-based Microschool and Micro-education Entity as a permitted use in all zoning districts.

7. SCHEDULED DELEGATIONS

- A. Hyrum City - Seeking approval of an ordinance amending Title 17 Zoning of the Hyrum City Municipal Code to create Chapter 17.62 Short-term Rental; amend 17.04.070 Definitions to define and include "Short-term Rental"; and amend Use Regulations in sections 17.28.010, 17.44.020, and 17.45.020 to include Short-term Rental as a conditional use in the Residential Zones R-1 and R-2, Commercial Zones C-1 and C-2.
- B. Hyrum City - Seeking approval for an ordinance amending Title 17 Zoning of the Hyrum City Municipal Code to

create Chapter 17.63 Home-based Microschool and Micro-education Entity; amend 17.04.070 Definitions to define and include "Home-based Microschool" and "Micro-education Entity"; and amend Use Regulations in sections 17.22.030, 17.28.010, 17.30.010, 17.32.010, 17.36.010, 17.38.010, 17.44.020, 17.45.020, 17.48.020, and 17.49.020 to include Home-based Microschool and Micro-education Entity as a permitted use in all zoning districts.

8. ADJOURNMENT

PUBLIC HEARINGS:

HYRUM CITY- TO RECEIVE PUBLIC COMMENT REGARDING AN ORDINANCE AMENDING TITLE 17 ZONING OF THE HYRUM CITY MUNICIPAL CODE TO CREATE CHAPTER 17.62 SHORT-TERM RENTAL; AMEND 17.04.070 DEFINITIONS TO DEFINE AND INCLUDE "SHORT-TERM RENTAL"; AND AMEND USE REGULATIONS IN SECTIONS 17.28.010, 17.44.020, AND 17.45.020 TO INCLUDE SHORT-TERM RENTAL AS A CONDITIONAL USE IN THE RESIDENTIAL ZONES R-1 AND R-2, COMMERCIAL ZONES C-1 AND C-2.

ACTION Commissioner Bair made a motion to open the public hearing at 6:34 P.M. Commissioner Casas seconded the motion and commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

Chairman Nelson asked if there were any members of the public who would like to speak.

ACTION Commissioner Willardson made a motion to close the public hearing at 6:35 P.M. Commissioner Bair seconded the motion and commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

HYRUM CITY - TO RECEIVE PUBLIC COMMENT REGARDING AN ORDINANCE AMENDING TITLE 17 ZONING OF THE HYRUM CITY MUNICIPAL CODE TO CREATE CHAPTER 17.63 HOME-BASED MICRO SCHOOL AND MICRO-EDUCATION ENTITY; AMEND 17.04.070 DEFINITIONS TO DEFINE AND INCLUDE "HOME-BASED MICRO SCHOOL" AND "MICRO-EDUCATION ENTITY"; AND AMEND USE REGULATIONS IN SECTIONS 17.22.030, 17.28.010, 17.30.010, 17.32.010, 17.36.010, 17.38.010, 17.44.020, 17.45.020, 17.48.020, AND 17.49.020 TO INCLUDE HOME-BASED MICRO SCHOOL AND MICRO-

EDUCATION ENTITY AS A PERMITTED USE IN ALL ZONING DISTRICTS.

ACTION Commissioner Bair made a motion to open the public hearing at 6:36 P.M. Commissioner Casas seconded the motion and commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

Chairman Nelson said he didn't see any who wanted to comment, so asked for a motion to close the public hearing.

ACTION Commissioner Willardson made a motion to close the public hearing at 6:37 P.M. Commissioner Bair seconded the motion and commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

SCHEDEDULED DELEGATIONS:

HYRUM CITY - SEEKING APPROVAL OF AN ORDINANCE AMENDING TITLE 17 ZONING OF THE HYRUM CITY MUNICIPAL CODE TO CREATE CHAPTER 17.62 SHORT-TERM RENTAL; AMEND 17.04.070 DEFINITIONS TO DEFINE AND INCLUDE "SHORT-TERM RENTAL"; AND AMEND USE REGULATIONS IN SECTIONS 17.28.010, 17.44.020, AND 17.45.020 TO INCLUDE SHORT-TERM RENTAL AS A CONDITIONAL USE IN THE RESIDENTIAL ZONES R-1 AND R-2, COMMERCIAL ZONES C-1 AND C-2.

Chairman Nelson clarified that the agenda was incorrect. Instead of seeking approval, the group would only be making recommendations to the council on both items.

City Planner Ekins explained that the zoning ordinance and city code are structured a certain way. He shared that about five months ago, the Planning, Zoning, and Building Department was asked to research short-term rentals and review ordinances to determine whether they would be a good fit for the community and its zoning rules.

He explained that a temporary six-month pause on short-term rentals had been put in place, which will expire in December. During this pause, the city could not issue any short-term rental permits, even if someone applied. Before this pause, the city didn't have an ordinance or an application process for short-term rentals at all.

After the temporary ordinance was put in place, staff researched

many short-term rental ordinances from nearby cities, including Logan and cities along the Wasatch Front. They found that most ordinances were unique to each community.

City Planner Ekins said that most cities had similar rules for short-term rentals. They usually required an application, set limits on how many people could stay there, and had parking requirements. Some cities also refused to approve short-term rentals if the owner didn't live on the property, similar to rules for bed-and-breakfasts.

City Planner Ekins explained that one city allowed a homeowner to rent out their home as a short-term rental only while they were away for a weekend, but they had to return afterward. He then said he wanted to share this background before going through the ordinance proposal draft.

City Planner Ekins said that staff and planning commissioners were present to review the proposal. He had hoped more people from the public would attend, but since they did not, he looked forward to going through the ordinance line by line with the planning commission and getting their feedback.

Staff supported licensing and regulating short-term rentals to provide housing for tourism while protecting long-term housing affordability. They also noted citizens' concerns that short-term rentals should not be in mixed-use areas next to single-family homes or within a block of schools. Short term rental was defined as any residential unit, or part of one, that is rented out for fewer than 30 consecutive days.

Chairman Nelson asked if that was the exact definition from the state.

City Planner Ekins confirmed that the definition was exact. He noted that some other cities used their own definitions, but one city recommended using the state definition. He explained that the ordinance addresses conditional uses in residential (R1, R2) and commercial (C1, C2) zones and mentioned that some cities only allow short-term rentals in residential areas, not commercial districts.

Commissioner Willardson asked why that was the case.

City Planner Ekins explained that some cities avoid allowing short-term rentals in commercial areas because absentee owners can cause problems. In residential neighborhoods, owner-occupied properties are easier to manage and less likely to create nuisances.

Commissioner Willardson said it made sense that absentee owners in commercial areas could cause problems because they aren't closely monitoring their properties.

Chairman Nelson said that areas that heavily regulate short-term rentals are often in resort communities. In commercial zones, regulations favor hotels and motels rather than small single-unit rentals, which prevents high-demand short-term rentals from spreading and affecting other commercial uses. Residential areas are more suitable for smaller short-term rentals.

Commissioner Willardson said he understood and that it made more sense now.

City Planner Ekins said the short-term rental ordinance starts in section 17.62 and uses the definition of a residential unit as any structure, or part of one, that is lived in. He felt it was appropriate to keep this definition in the code. He explained that the purpose of the chapter is to allow short-term rentals of fewer than 30 days in certain zones, using a residential unit or part of one.

Chairman Nelson asked if the ordinance would allow short-term rentals in an ADU and noted that it shouldn't matter whether the rental is in the main home or the ADU as long as it's under 30 days. He then asked if they should limit each property to only one short-term rental space when a home is split into multiple sections.

Commissioner Wheeler asked if that limitation was already included in section F3.

Chairman Nelson commented that a duplex would be considered more as a multi-family project.

Commissioner Wheeler said she assumed that rule would also apply to a duplex.

Chairman Nelson explained that in most cases it wouldn't be clear enough, because ADUs aren't usually considered multi-family units.

Commissioner Willardson asked if the concern was that someone might rent out both the ADU and the main home at the same time, creating two rentals on one property.

Chairman Nelson said yes and that limiting that situation might be

necessary.

Commissioner Casas said his understanding was that the city does not allow detached ADUs.

City Engineer Holmes said the city allows attached but not detached ADUs.

Commissioner Casas asked if there are any detached ADUs in the city.

City Engineer Holmes stated that it is not legal.

City Planner Ekins said he has some history for most of the items. He stated that a conditional use permit and a short-term rental business license are required. No short-term rental can be rented without both. The conditional use permit addresses potential impacts, and the business license handles the landlord responsibilities.

Commissioner Willardson asked how often it needs to be renewed.

City Planner Ekins said it must be renewed every year. He explained the short-term rental (STR) process and requirements. The first STR license costs \$85, then \$75 annually. An operational strategy plan is required with the conditional use permit, outlining how the STR will be managed. A plot plan and floor plan are also required, showing property lines, building locations, setbacks, entrances, parking, and room sizes. Site plan approval and zoning clearance may be needed for commercial-type changes or remodeling. He noted that only one STR is allowed per 1,000 people in the city, which currently allows 11 licenses based on the population. Some cities allow exceptions for owners who live in the home.

Commissioner Wheeler asked how many short-term rentals currently qualify.

City Planner Ekins said he only knows of one, which was reported to the city as a nuisance.

Chairman Nelson said he looked at AirDNA, which provides mapping information, and found that there are about 20.

Commissioner Casas said he found 11.

Commissioner Wheeler said that this already reaches the limit of that number, if not more.

Commissioner Willardson asked if the process would be first-come, first-served—meaning whoever gets their license first would qualify, and the others would not.

City Planner Ekins explained that the city council asked the same question a couple of months ago when he presented this draft, and the process would be first-come, first-served. He said he has been working with the city attorney on related issues. The attorney noted that the city can place reasonable regulations on STRs, such as limiting them near schools, and that existing STRs may qualify for nonconforming use protection. Ekins said he still needs to confirm whether those protections would stay in place until an STR stops operating or the owner moves.

Vice Chair Bair asked what would happen if the estimate was based on the number of housing units instead of the population.

City Planner Ekins said they could consider basing the estimate on housing units, including single-family homes with accessory dwelling units. He noted that he hasn't seen this method used much in ordinances or examples but can look into it. He added that the current number is easy to use because it's publicly available, unlike running a detailed count, which would be more work for staff.

Commissioner Casas said that the city doesn't regulate how many restaurants, stores, or other businesses are in town, and he would like the city to explain why it is necessary to regulate the number of STRs.

City Planner Ekins said STRs are regulated because of their impact on long-term housing.

City Engineer Holmes said that commercial businesses are regulated through zoning. He explained that more short-term rentals mean fewer homes available for residents, which affects the housing supply.

City Planner Ekins added that STRs also reduce long-term rental options. He added that if a family is looking for a long-term rental but a property is used as a short-term rental instead, the family loses the chance to live in the community because these rentals operate like hotels in residential neighborhoods.

Commissioner Wheeler said STRs hurt the community by reducing the number of people who can live there. She added that there should

be a balance, but regulation is necessary.

Commissioner Casas asked if there are currently any licensed STRs in the city.

City Planner Ekins said the city doesn't currently have a license available for STRs, which is why the discussion is taking place.

Commissioner Casas asked if only one person has come forward to request an STR license.

City Planner Ekins explained that there have been a few inquiries about STRs. The first was a complaint, and another complaint followed on the same property, which prompted the city to start looking into STRs. He said a man recently called because he couldn't sell his house and wanted a STR license, and Ekins invited him to the meeting. He also invited another possible STR owner who had spoken to him during a City Council presentation, but neither attended.

Commissioner Casas asked who will enforce STR regulations in the city and how enforcement will be carried out.

City Planner Ekins explained that enforcement can be handled by withdrawing the conditional use permit or revoking the business license. He said the goal isn't just to police STRs but also to address complaints and repeated calls for police service, which could lead the city to cancel the business license.

Commissioner Casas said Stephen found 20 STRs, and he found 11 online recently. He noted that STRs already exist in the city, likely more than known, and that licensing only 11 would already be exceeded.

City Planner Ekins said the city does not have to approve the other nine STRs.

Vice Chair Bair said she might support allowing more STRs. She noted that out of 20 STRs, there has only been one complaint, and that STRs can help homeowners, like the one who can't sell his house, earn income to cover mortgage payments without affecting the sale. She suggested considering allowing more since problems have been minimal.

City Planner Ekins said that licensing 11 STRs would work, but calculations for 2,000 housing units showed a potential of 22 STRs. He said that when he presented to the City Council, he shared

calculations for both 1,000 and 2,000. He added that 22 doesn't seem like a high number and compared it to Logan, where they are already over halfway to their limit.

Vice Chair Bair said the current limit is nearly maxed out even before implementation, leaving no room for growth. She proposed setting a higher limit to allow opportunities for more STRs in the future.

City Engineer Holmes said that based on a past review with Keesha, none of the existing STRs in Hyrum were properly licensed as landlords. He suggested this should be considered when setting regulations.

Commissioner Casas said his concern about enforcement is who on the city staff would have time to handle it.

City Engineer Holmes said he doesn't have extra time, but enforcing the zoning ordinance is part of his job.

Commissioner Casas asked if enforcement would not fall under code enforcement.

City Engineer Holmes said that code enforcement is used for certain actions, but overall, it falls under his responsibility.

City Planner Ekins said the city currently receives a small amount of transient room tax, but it doesn't indicate how many STRs there are.

Commissioner Casas said he understood the transient room tax to be 1% of the gross, based on his research.

City Planner Ekins said the city attorney advised that the STR ordinance should require the imposition of a transient room tax, as codified in the Hyrum City Municipal Code. He added that language for this has been included in the draft presented at the meeting.

Chairman Nelson said he believes the state already requires STRs to pay the transient room tax, and that platforms like Airbnb pay it to the state, which then distributes it to the city.

City Planner Ekins said the city receives the transient room tax once a month, usually around \$100-\$200. He explained that STRs are only allowed in single-family homes or in mixed-use commercial-residential developments with a qualifying residential unit,

typically on the upper floor. He added that no more than one STR is allowed in a multifamily structure, preventing an entire building, like a four-plex, from being used as a mini-motel.

Commissioner Wheeler asked if this regulation would also exclude motels.

City Planner Ekins said motels would not qualify as STRs under the regulation.

Chairman Nelson asked if STRs and motels are defined separately.

City Planner Ekins said they are. He added that no STR is allowed within a mixed commercial-residential development if it is next to a single-family home. This is based on a citizen comment about protecting residences from the impact of transient housing and related safety concerns, including the fact that STRs typically do not perform background checks on guests.

Commissioner McBride asked if the previous point was related to schools.

Commissioner Wheeler said that is a separate issue.

City Planner Ekins said the next item involves a distance requirement.

Chairman Nelson asked why STRs are allowed in regular residential neighborhoods but not in mixed-use commercial-residential developments.

City Planner Ekins said this point reflects a citizen's comment, which he included in the draft to allow discussion.

Commissioner Willardson said STRs are not allowed in commercial areas because they aren't monitored as closely. He explained that keeping them in residential areas allows better oversight, which was his understanding of the rule.

Chairman Nelson said the code proposes allowing STRs in C1 and C2 zones, meaning a neighbor in a commercial zone could have an STR, but a residential property owner could not.

City Planner Ekins explained that STRs in the C1 zone are allowed because single-family homes are permitted there, but they cannot operate in a purely commercial setting. The C2 zone is the only zone that mixes commercial and residential uses. He noted that

some cities don't allow STRs in commercial areas, which is why the discussion is taking place.

Commissioner Wheeler said that in Hyrum City, most commercial areas are directly next to residential areas, which limits mixed-use opportunities, even though mixed-use could be beneficial long-term.

City Planner Ekins said that STRs in C1 are considered part of a residential unit, not a commercial component. He explained that the city could choose to allow STRs only in residential zones and could also require them to be owner-occupied. He said they are reviewing these options.

Vice Chair Bair said mixed-use commercial-residential areas may have less impact on neighborhoods. They might not be as heavily monitored, but they don't have evening hours.

Commissioner Casas said mixed-use areas usually have better parking.

Vice Chair Bair said commercial areas almost seem like a better or suitable fit for STRs.

Chairman Nelson said the discussion was getting derailed and asked if they should finish reviewing the items or start the discussion.

City Planner Ekins said he would quickly review the items. He explained that STRs must be 660 feet from a property line of a public or private school and be owner-operated, which is intended to protect students.

Commissioner Willardson noted that STRs do not require background checks.

City Planner Ekins said the distance requirement could even be 1,000 feet, noting that the current code uses 660 feet in a few other cases.

Commissioner Willardson said 660 feet is roughly the length of a city block.

City Planner Ekins said STRs are not permitted in detached accessory dwellings or buildings. He explained that this prevents homeowners from converting garages or other structures without proper occupancy qualifications.

City Planner Ekins explained that STR occupancy is limited to one person per 200 square feet of open floor space, following the international fire code for residential buildings. For example, a 2,400-square-foot home could have up to 12 occupants. He noted this standard aligns with residential occupancy codes rather than hotel categories.

Chairman Nelson asked whether a building used for transient occupancy must have a sprinkler system once it holds more than ten people.

City Planner Ekins said he would check with the fire department about that requirement.

Chairman Nelson said his first reaction to the number 12 was concern, and he suggested possibly limiting it to 10 because anything higher might require the building to have a sprinkler system.

City Planner Ekins asked for clarification, wondering if the suggestion meant limiting occupancy to 10 people in one residential structure.

Chairman Nelson said that for transient use, he believed the limit should be 10 people because anything above that would require the building to have a sprinkler system. He explained that purely residential use could allow up to 12, but transient use triggers stricter rules.

City Planner Ekins asked if the rule about sprinklers applies in a hotel.

Chairman Nelson said it might be something to check with the fire department and that he is fine either way.

City Planner Ekins said STRs should follow the Hyrum City zoning, business license, conditional use, and nuisance ordinances. He highlighted that STRs must comply with rules on garbage, noise, exterior lighting, smoke detectors, and pet limits. Signs are limited to three square feet, and off-street parking must be provided for guests, with standard-sized stalls and no parking on public streets. Parking for trailers, boats, or ATVs must stay on the property. He noted that these standards are in place to protect neighbors and ensure compliance with city codes, and verification can be done through plot plan submissions.

Vice Chair Bair asked if gravel and road base cannot be used for

STR parking.

City Planner Ekins explained that gravel and road base are allowed in residential zones, but commercial areas require hard surfaces like asphalt for fire safety. He said that a fire safety inspection is required after conditional use permit approval. Ekins expressed confidence in the ordinance and in the planning commission and staff, saying that together they can create a solid STR regulation.

Vice Chair Bair said gravel or road base should be allowed for parking in mostly residential areas because fire access is usually from the street. She suggested that homeowners should have the option to use gravel since it is less costly than asphalt or concrete.

Commissioner Casas suggested that the planning commission go through the ordinance line by line from the beginning to have a clear process for making changes and avoid confusion.

City Engineer Holmes said he had a few suggestions before the discussion. He recommended clarifying the wording in section 17.62b where it says "STR options for fewer" by adding "periods of fewer than" to make the text easier to read.

City Planner Ekins said the city attorney made a comment that were "options intended for fewer than 30 days".

City Engineer Holmes suggested clarifying that STRs are not permitted in detached accessory buildings, tents, yurts, or recreational vehicles to ensure occupancy stays within the home. He also recommended that sleeping rooms have at least five windows for egress to comply with fire code.

Commissioner Casas said STRs must comply with fire code and meet size requirements.

City Engineer Holmes said accessory dwellings must have windows for egress, ensuring two exit points per sleeping room, and each sleeping room must have its own smoke detector. He also clarified parking requirements, noting that a single-family home typically needs two spaces, with additional spaces required for every two extra sleeping rooms.

Chairman Nelson said that clarification on the matter should come from the city.

City Engineer Holmes added a rule prohibiting overnight on-street

parking, allowing only brief stops, such as picking up children.

Commissioner McBride asked if there is a minimum number of days required for an STR rental, in addition to the 30-day maximum.

City Engineer Holmes said that STRs could be rented for just one night if desired.

Commissioner McBride asked if a one-night rental would need STR approval, and it was clarified that renting as a business would require approval, but hosting family would not.

City Engineer Holmes said there is nothing in the code for rentals under 30 days, so no changes are needed. He also added that STR owners must provide renters with the rules on use, occupancy limits, and parking before their stay.

Commissioner Wheeler said she would like to add definitions for detached and attached accessory buildings.

Chairman Nelson asked if the city code already defines detached and attached accessory building units.

Commissioner Wheeler suggested adding a reference to make the definitions clearer.

City Engineer Holmes said that by being included in the same title, the definitions already apply to everything within that title.

Commissioner Casas said they are starting at the top and working their way down, beginning with reviewing the definitions.

Commissioner Wheeler suggested adding definitions, including one for ADU, and asked to check the existing definitions.

Chairman Nelson said the ADU definition is not in this section and noted that section 17.04.070 only includes accessory buildings.

City Planner Ekins said ADUs are defined at the beginning of the zoning ordinances.

Chairman Nelson said the ADU is defined under "dwelling, two-family accessory apartment" in the zoning code.

City Planner Ekins asked if they were adding another definition and confirmed that they are just starting from the top.

Commissioner Wheeler said some terms are not defined near where they are used and suggested making the definitions easier to find.

Chairman Nelson asked if there were any other comments on definitions and then moved on to discuss use regulations, noting that STRs are currently proposed as conditional uses in C1, C2, R1, and R2 zones.

Commissioner Casas said he likes allowing STRs in the C2 zone and supports having that option.

City Planner Ekins said STRs are allowed in a mixed-use development above a commercial component.

Chairman Nelson said he has no issues with that.

Commissioner Casas said mixed-use areas have benefits like more parking and being less intrusive, but he noted that such areas may not currently exist in the city.

Commissioner Wheeler said the closest example of a mixed-use area in the city is Annette Francis' development.

Commissioner Casas said mixed-use areas don't exist yet, but he supports including C2 zoning for possible future use.

City Planner Ekins said citizens have expressed concerns about STRs in C2 zones if there is a residential use, and that this issue will need to be revisited later.

Commissioner Casas said there are many factors, like proximity to a private school, that could disqualify an STR in a C2 zone.

Commissioner Wheeler said there are already several limits in place.

Commissioner Casas asked if an STR application within 600 feet of a preschool would be disqualified.

City Planner Ekins explained that the rule applies to any public or private school.

Chairman Nelson said the next topic was the new section 17.62 on short-term rentals.

City Planner Ekins asked what the group wanted to do about the R-1, R-2, and C-1 zones.

Chairman Nelson said he had no issues. He then asked if "residential unit" needed to be defined or if it was already listed in the definitions.

City Planner Ekins explained that "residential unit" comes from the definitions in section 17.04.070. He said there is a correction there and noted that "dwelling units" are listed, so he added "residential unit" to this section because it was discussed later in the document.

Chairman Nelson read the section about requiring a conditional use and a business license and asked if anyone had concerns. He then moved on to the operational strategy plan requirement and asked if there were any questions or comments.

City Engineer Holmes said it would be helpful to clearly define what the city wants to see in the strategy, such as whether it should include grounds maintenance or other specific items, so the applicants know what to provide.

Chairman Nelson said he didn't mind requiring the information, but questioned whether the city has any standards to decide if a submitted plan is acceptable. He noted that without standards, they might have to approve something they don't like. He asked whether they should create additional standards for what the plan must include.

City Planner Ekins said they could create standards and add them to D1.

Chairman Nelson said that if a property owner is not local, it's common to require local management, usually someone within about a 30-minute drive, so they can respond to issues on site when needed.

Commissioner Casas and Vice Chair Bair agreed that someone should be able to respond to issues within 30 minutes.

Chairman Nelson said he wasn't sure if any property managers are located within the city. He asked if there were any other changes to the section, noting his main concern was local management, and then asked if there were questions about requiring a plot plan and floor plan.

Vice Chair Bair asked why a floor plan drawn to scale with labeled rooms was required.

City Planner Ekins said the floor plan lets them show whether it's the full residential structure or just a unit, and it allows calculations to verify occupancy and parking requirements.

Chairman Nelson said that under E3, site plan approval is listed as optional, but he thinks it should be required since applicants already come in for a conditional use permit, which reviews parking and the site plan. He also noted that site plans go to the council.

City Planner Ekins said site plan approval would be required if the property is a commercial or mixed-use type.

Chairman Nelson clarified that for commercial development, if only a site plan approval is needed, it goes to the council. For a conditional use permit, the Planning Commission would check the site plan. If a separate site plan isn't required, the city council would be the approval authority, and it wouldn't go to Planning Commission.

City Planner Ekins said it's worth considering. For small projects, like an 80-square-foot shed, citizens currently pay \$240 for site plan approval. He suggested reducing the cost or handling it over the counter. As far as the plot plan goes, it would be part of the conditional use permit to encourage compliance.

Chairman Nelson said he feels good about that and asked if there were any other questions on the section. He then suggested moving on to Locations, noting that the topic of a thousand people seemed to raise a lot of questions earlier.

Commissioner Casas said he would like to reduce the number to 500 people, which would allow 22 in the city instead of 11.

Vice Chair Bair said she would prefer 30, noting that there are already about 20 in the city.

Commissioner Casas said he sees a problem with enforcement and doesn't want staff to spend a lot of time on it, as there are many other tasks to handle. He expressed uncertainty about how it would be enforced.

Chairman Nelson said enforcement is tricky with short-term rentals because state law prevents the city from simply using online listings to identify properties for action.

City Engineer Holmes said they can't use online listings to enforce

rules, though technically they can use them to locate properties, just not as the official basis for action. He said that based on training, online listings can be used as additional evidence but not as the initial way to identify properties. He noted he might be wrong.

Commissioner Willardson said he likes keeping the limit at a thousand, noting that many current situations wouldn't be legal under the ordinance anyway.

City Engineer Holmes said another reason they aren't legal is that they haven't obtained a landlord license, which they could have, just like for long-term rentals.

Vice Chair Bair said that stricter limits may lead to more illegal use, while more open rules might encourage people to apply legally instead of risking doing it illegally.

Commissioner Casas said he wants to avoid the activity going underground. He acknowledged it takes time and effort, but making it too difficult would keep it hidden, as it is now.

Commissioner Willardson asked what would happen to people who can't sell their house.

Commissioner Wheeler said it may not be directly related, but there is definitely some influence.

City Engineer Holmes said that running the business comes with risks. Owners need to study the market and plan for downturns, like fewer people using short-term rentals, or they won't be able to manage their business.

Commissioner Willardson said he is concerned about people who can't find houses because too many are being used as short-term rentals.

Chairman Nelson said he has mixed feelings about allowing short-term rentals in ADUs. They are usually an affordable housing option, but allowing rentals also benefits the current property owner.

City Planner Ekins said an ADU owner could cancel their ADU license and apply for a short-term rental license.

Chairman Nelson said about half of ADUs are usually rented to friends or family. While some owners might choose short-term rentals for more income, others will avoid it because of the

private nature of ADUs.

City Planner Ekins said owners could use an internal ADU as a disguise to operate short-term rentals on weekends.

Commissioner Wheeler said that while it may not help in this case, she would like to see more support for housing and long-term rentals in the future, as it could reduce some housing problems. She prefers support over restrictions.

Chairman Nelson summarized state code 10-8-85.4, explaining that cities cannot ban or punish someone just for listing a short-term rental online. However, a listing can be used as evidence if there's additional information showing a violation of city rules. He noted recent clarifications to the law and then asked where the group wants to set the limit, since there is some division on the thousand-person threshold.

Commissioner Wheeler said she would like to lower the limit to 500, allowing up to 20 or 22 short-term rentals.

Commissioner McBride agreed. He said that currently there's a lot of short-term rentals operating underground and we shouldn't penalize them.

Chairman Nelson said he is curious whether some existing short-term rentals might be legal non-conforming uses if the city isn't directly regulating them. He wants the city attorney's opinion, noting that many current rentals, possibly 11 to 25, could already legally continue. He added that setting a limit of one per thousand could allow additional rentals and mentioned there is interesting case law on the issue.

Commissioner Casas said the number of short-term rentals will likely decrease once all requirements are enforced, as some will be disqualified for reasons like being too close to a preschool. He added that he prefers them to be regulated rather than unregulated.

Chairman Nelson said that for legal non-conforming short-term rentals, the city could create a phase-in standard, giving existing rentals time to comply with new rules, depending on the attorney's guidance.

City Planner Ekins said that case law has shown some challenges with this. He explained that legal non-conforming uses, sometimes called "grandfathered," are the technical term for existing uses

allowed to continue.

City Engineer Holmes explained that some short-term rentals are legal non-conforming, meaning they were legal when established but wouldn't be allowed under current rules. Others are non-legal non-conforming, meaning they broke the law and cannot continue.

Chairman Nelson said he is concerned about the number of units and doesn't want to open it up too much. He suggested spacing requirements between units, like 660 to 1,000 feet, to limit multiple rentals on the same block, which would reduce the impact even if the total number isn't very high.

City Planner Ekins said that owner-occupied short-term rentals don't need to follow the 750-foot spacing rule, but non-owner-occupied rentals must be at least 750 feet apart.

Chairman Nelson said he feels more comfortable with short-term rentals in ADUs because they are usually better managed by the owner, less impactful, and smaller. However, for standalone units in single-family zones, he thinks additional spacing would be beneficial.

City Planner Ekins said that when internal ADUs became available, many owners used them. In cities that restrict rentals to owner-occupied units, they have seen fewer complaints and nuisances and calls for service are lower.

Chairman Nelson said that for the first line item, three members support a limit of 500.

Commissioner Willardson said he wants to keep the limit at 1,000.

Chairman Nelson said that the majority favors lowering the limit to 500.

City Planner Ekins said existing rentals may qualify for non-conforming use protection if they were compliant before the new regulations, determined on a case-by-case basis. Rentals that were not compliant, especially those with very high occupancy, would likely not be allowed to continue.

Chairman Nelson said the commission's current recommendation is to lower the limit to 500. He noted no major issues with items two or three but suggested adding a rule that limits short-term rentals to one unit per property in residential zones.

City Planner Ekins asked whether they were discussing item two or three.

Chairman Nelson said that for item three, no more than one short-term rental is allowed per multi-family residential structure or property in residential zones.

Commissioner Willardson said maybe that should go under item number four, for residential zones.

Chairman Nelson said that if an ADU or part of a home is used as a short-term rental, only one rental is allowed per property, and the other part of the home must be owner-occupied to prevent having both long-term and short-term renters on the same property.

City Planner Ekins said that if someone has a licensed ADU, they cannot apply for a short-term rental license until they discontinue the ADU license, otherwise it would create an illegal duplex situation.

Chairman Nelson said it could just be defined that in residential zones, only one short-term rental is allowed per property. If an ADU is rented, the other part of the home must be owner-occupied, similar to the requirement for long-term rentals.

City Planner Ekins said that would make the short-term rental owner-occupied, meaning no one else could have one.

Chairman Nelson said the owner-occupancy requirement applies only if an ADU or part of a home is rented. Renting the whole home is fine, but if only a portion is rented, the other portion must be owner-occupied.

City Planner Ekins clarified that if a residential unit is split on a property, the non-rented portion must be owner-occupied.

Chairman Nelson said that consistent with the current ADU ordinance, if a section of a home is rented, the other section must be owner-occupied, and this should also apply to short-term rentals. He suggested adding it as a new line in the section and then asked if there were questions on item four.

Commissioner Casas said he thinks that item should be voided.

Chairman Nelson agreed and asked if there were any other comments. Then he moved on to item number five.

City Planner Ekins said that item four should just be removed.

Commissioner Wheeler said it doesn't align with the purpose of mixed-use commercial space.

Vice Chair Bair said it's not consistent with the rest of the ordinance.

Chairman Nelson called it a strange exemption, and Commissioner Wheeler agreed.

Chairman Nelson introduced item six.

City Planner Ekins suggested adding tents, yurts, RVs, and trailers.

Chairman Nelson asked if there were any questions about occupancy.

City Engineer Holmes said they should check whether sprinklers are required for transient rentals with more than 10 people.

Chairman Nelson noted that in resort communities, the fire marshal interpreted it that way.

City Planner Ekins added that microschools with 16 people don't mention sprinklers, but he will review it.

Chairman Nelson explained that in commercial uses, the fire code requires sprinklers if there is over 10 overnight occupancy.

Commissioner Wheeler said she's stayed in rentals with more than 10 people without seeing sprinklers.

Chairman Nelson said that newer rentals, especially in resort areas, usually follow the rule. He then moved the discussion to standards and asked if there were any questions.

Vice Chair Bair said the pet allowance in item six wasn't clear and suggested specifying the number.

City Planner Ekins confirmed there's a set number for residential properties.

Commissioner Wheeler said two dogs are allowed, and Commissioner McBride suggested referencing the ordinance.

Vice Chair Bair agreed, noting it should clearly state two dogs or cats.

City Planner Ekins added that referencing the ordinance helps ensure updates aren't missed.

Chairman Nelson suggested adding standards for short-term rentals, including an extra garbage can, smoke detectors in each room, and a fire exit map in each room like in hotels.

Commissioner Wheeler agreed that there should be at least one garbage can per residence.

City Planner Ekins said these additions greatly improve safety for occupants.

Chairman Nelson moved the discussion to parking.

Commissioner Wheeler asked about parking surface requirements.

Commissioner Casas said gravel is fine if it's not turf.

Vice Chair Bair suggested gravel or road base.

Chairman Nelson and Commissioner Willardson agreed that gravel or road base is acceptable. They decided to recommend allowing gravel and road base and then discussed questions about overnight on-street parking.

Chairman Willardson asked why short-term rentals can't park on the street.

City Planner Ekins explained that if an STR operates year-round and cannot accommodate all guest parking on-site, on-street parking would cause enforcement issues during winter restrictions.

All of the commissioners agreed that STRs should provide parking for guests.

Chairman Nelson noted that visitors often bring trailers or equipment, which could become a nuisance if parked on streets.

City Planner Ekins added that parking complaints already impact neighborhoods.

The Planning Commission discussed limits on on-street parking, but it was noted that residential properties already have off-street parking requirements, including for ADUs, which typically provide enough spaces. The commission agreed that no overnight on-street

parking should be allowed for STRs, though daytime parking by residents is acceptable.

Chairman Nelson concluded that prohibiting on-street parking for STR guests is cleaner from a code perspective. The discussion then moved to fire safety inspections.

Chairman Nelson said short-term rentals should be inspected annually.

City Planner Ekins explained that business licenses already allow for inspections, typically every one or two years, through the fire department.

Chairman Nelson emphasized the importance of annual inspections to ensure safe sleeping arrangements.

City Planner Ekins added that floor plan reviews can verify egress, and fire inspections will confirm compliance. They also discussed including a reminder about the transient room tax requirement, with Nelson noting it shouldn't conflict with state rules.

City Planner Ekins confirmed that the proposed code aligns with recent state updates.

Chairman Nelson introduced a notification section that Holmes would like to add.

City Engineer Holmes said owners should inform renters of the rules.

Chairman Nelson added that rules, maximum occupancy, and fire escape information should be posted inside the rental.

City Planner Ekins said this can be included in the required operational strategy plan.

Chairman Nelson outlined three options: continue the discussion to the next meeting for staff to make changes, attempt approval with the changes, or recommend denying the ordinance.

City Planner Ekins noted that City Council could review or send it back with different ideas.

Vice Chair Bair recommended reviewing it again to ensure everyone's understanding aligns.

Commissioner Wheeler supported a continuation for review.

Chairman Nelson agreed, and Ekins said he could present it to City Council at the second meeting in December.

ACTION **Commissioner Wheeler made a motion to continue discussion of an ordinance amending Title 17 Zoning of the Hyrum City Municipal Code to create Chapter 17.62 Short-term Rental; amend 17.04.070 Definitions to define and include "Short-term Rental"; and amend Use Regulations in sections 17.28.010, 17.44.020, and 17.45.020 to include Short-term Rental as a conditional use in the Residential Zones R-1 and R-2, Commercial Zones C-1 and C-2 at the next meeting. Commissioner Casas seconded the motion and commissioners Casas, Nelson Wheeler, and Willardson voted aye.**

HYRUM CITY - SEEKING APPROVAL FOR AN ORDINANCE AMENDING TITLE 17 ZONING OF THE HYRUM CITY MUNICIPAL CODE TO CREATE CHAPTER 17.63 HOME-BASED MICROSCHOOL AND MICRO-EDUCATION ENTITY; AMEND 17.04.070 DEFINITIONS TO DEFINE AND INCLUDE "HOME-BASED MICROSCHOOL" AND "MICRO-EDUCATION ENTITY"; AND AMEND USE REGULATIONS IN SECTIONS 17.22.030, 17.28.010, 17.30.010, 17.32.010, 17.36.010, 17.38.010, 17.44.020, 17.45.020, 17.48.020, AND 17.49.020 TO INCLUDE HOME-BASED MICROSCHOOL AND MICRO-EDUCATION ENTITY AS A PERMITTED USE IN ALL ZONING DISTRICTS.

City Planner Ekins explained that the Planning, Zoning, and Building Department created the ordinance based on Utah code for microschools and home-based education entities. The code allows local governments to add rules on business licenses, parking, traffic, hours of operation, and zoning. The ordinance was designed not to conflict with Utah Code 10-9a-305 and has been reviewed by the city attorney, who provided comments for discussion.

City Engineer Holmes noted that Utah recently changed the numbers, so it's no longer 10.

City Planner Ekins explained that the definitions for home-based micro schools and micro education entities come directly from state code. Home-based micro schools provide K-12 education to 16 or fewer students. He emphasized referencing the state code because it changes often and noted that while no microschools have been established yet, there have been several discussions with people interested in starting them.

Chairman Nelson noted a previous application for a micro school.

Vice Chair Bair asked about preschools since the ordinance excludes daycare but defines K-12.

City Engineer Holmes explained that preschools are regulated separately by the state and the city cannot control zoning for them. They agreed to clarify that home-based micro schools do not include daycare or preschool, and Chairman Nelson emphasized following the state's definition to meet legal requirements.

City Planner Ekins explained that the ordinance sets additional requirements for home-based micro schools and micro education entities beyond Utah code. It covers business licenses, parking, traffic, hours of operation, and zoning. No micro school or entity can operate without a business license, which includes all applicable provisions. They must meet building and fire safety codes and obtain a fire inspection. If they prepare or serve food, the health department requirements are included in the business license. Off-street parking requirements are specified for each zoning district in Hyrum City Code to guide applicants.

Chairman Nelson suggested rephrasing the ordinance to say that home-based micro schools or micro education entities must comply with parking standards in their zoning district.

City Engineer Holmes noted that some zones, like R1 or R2, only require two spaces, which may not be enough.

Chairman Nelson proposed adding "and other parking requirements listed in this chapter" for clarity, and Holmes agreed it would ensure consistency.

Chairman Nelson said he was unsure about keeping a reference to other standards without clearly stating that micro schools must follow the parking rules in their zoning district. He felt that unless the ordinance directly says they must comply with those parking standards, the first section may not be useful.

City Planner Ekins said he supported the idea that home-based micro schools "shall comply" with parking rules. He explained that applicants should be required to submit a parking plan showing how they will meet both the city's parking requirements and provide enough on-site parking for employees and customers, including on adjacent parcels they own. He noted that other cities, like Millville, allow this. He also shared feedback from the city

attorney, who said Hyrum City should consider creating a clear parking standard for schools in the future. Ekins added that micro schools should also provide a traffic plan and follow hours of operation set in city code, which currently allows activities between 7 a.m. and 10 p.m. in residential zones, though this could be changed later if needed. He said the proposed regulations match what other Utah cities have adopted and do not conflict with state law.

Chairman Nelson said his only concern was the reference number and in C1 needed an action word.

City Engineer Holmes suggested adding a section stating that the traffic plan must address how attendance and activities will affect the surrounding community without obstructing traffic or conflicting with the zoning. He also proposed adding language under the hours-of-operation section to clarify that it applies to all activities of a home-based micro school. He explained that the traffic plan needs to address how the micro school will affect the neighborhood, making sure drop-off traffic doesn't create long lines that block the street or keep people from getting to work or school.

Chairman Nelson asked if there were any objections to adding Holmes comments.

Commissioner Willardson asked where a micro education entity could be located.

City Planner Ekins explained they could use old churches, food banks, or commercial spaces that can be split.

City Engineer Holmes added that building code requirements apply once occupancy reaches a commercial level.

City Planner Ekins noted that Utah code sets occupancy classes and some cities incorporate that language into their ordinances.

Chairman Nelson said the commission's options were to recommend approval with changes, approve as is, continue the discussion, or recommend denial.

ACTION

Commissioner Wheeler made a motion to recommend approval of an ordinance amending Title 17 Zoning of the Hyrum City Municipal Code to comply with state code with the addition of D2 "the traffic plan shall address impacts

of attendance and activities on the surrounding community without obstructing traffic in a manner not consistent with the zone in which it exists, the addition of E1, "The hours of operation for all activities of a homebased microschool or micro education entity shall be between the hours of 7:00am and 10:00pm", and make an edit to C1 to require compliance with our parking standards. Commissioner Bair seconded the motion. Commissioner Nelson made a motion to amend the motion and amend C1 to require compliance with our parking standards. Commissioner Bair seconded and commissioners Nelson, Wheeler, and Willardson voted aye.

ADJOURNMENT:**ACTION**

There being no further business before the Planning Commission, the meeting adjourned at 8:45 p.m.

Stephen Nelson
Chairman

ATTEST:

Shara Toone
Secretary

Approved: _____
As Written