

MINUTES OF A REGULAR MEETING OF THE HYRUM CITY PLANNING COMMISSION HELD MAY 11, 2023 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Chairman Paul Willardson

PRESENT: Chairman Paul Willardson, Vice Chairman Blake Foster, Commissioners Brian Carver, Terry Mann, and Alternate Member Dixie Schwartz.

EXCUSED: Commissioner Angi Bair and Zoning Administrator Matt Holmes.

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

OTHERS PRESENT: One citizen. Secretary Hailey Brown recorded the minutes.

PLEDGE OF ALLEGIANCE: Paul Willardson led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Commissioner Dixie Schwartz

APPROVAL OF MINUTES:

The minutes of a regular meeting held on April 13, 2023 were approved as written.

ACTION Commissioner Brian Carver made a motion to approve the minutes of April 13, 2023 as written. Commissioner Blake Foster seconded the motion and Commissioners Carver, Foster, Mann, Schwartz, and Willardson voted aye.

AGENDA APPROVAL:

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

ACTION Commissioner Terry Mann made a motion to approve the agenda for May 11, 2023 as written. Commissioner Brian

Carver seconded the motion and Commissioners Carver, Foster, Mann, Schwartz, and Willardson voted aye.

6. WORKSHOP

- A. Discussion on evaluating the current zoning regulations. This workshop will prepare recommendations to the Hyrum City Council regarding General Plan and City Code. The discussion may include master planning for undeveloped areas, infill, and housing affordability.

7. ADJOURNMENT

WORKSHOP:

DISCUSSION ON EVALUATING THE CURRENT ZONING REGULATIONS. THIS WORKSHOP WILL PREPARE RECOMMENDATIONS TO THE HYRUM CITY COUNCIL REGARDING GENERAL PLAN AND CITY CODE. THE DISCUSSION MAY INCLUDE MASTER PLANNING FOR UNDEVELOPED AREAS, INFILL, AND HOUSING AFFORDABILITY.

Chairman Paul Willardson stated the plan for this meeting is to discuss code recommendations to present to the City Council.

Commission Brian Carver said he would like to discuss residential facilities for elderly persons. The code shows up in R-1, R-2, R-2a, and C-2. The topic of constructing an independent apartment style senior development was brought to the Planning Commissions attention by Annette Francis. Commissioner Brian Carver also had some personal experiences that brought this topic to mind for discussion. He asked why the city would require a resident or family member of a resident to own the residential facility for elderly persons as addressed in Section B1 of Chapter 17.30.072. 30 years ago, the state required residential facilities for drug abuse, elderly, and the disabled. These individuals cannot be discriminated against by not allowing them housing. They receive treatments and federal housing law states cities are not allowed to prohibit that development in a residential area. Brian Carver doesn't understand the benefit of Section B1 and what would be the incentive for a person to operate the facility, possibly on a short-term basis for a family member while they live there. The State Code has everything from Section C to Section H of code 17.30.072. The state does not include the line of being owner occupied and most cities have a similar code to Hyrum City Code. Brian Carver said legally the city can allow Section B but asked if it is

functional to allow this restriction. He said the family could buy the elderly family member a home rather than put them with others.

Chairman Paul Willardson said he doesn't think the city would hear much opposition if the code was just dealing with elderly people. The code also applies to drug rehab in which the public may have opposition.

Commissioner Brian Carver said Hyrum City has a separate code for treatment facilities. This specific code is just for the elderly. The subject came to discussion when searching for hospice care for Brian's father in California. They looked at a house with separate dorm rooms and a communal living room. There was someone to bring in food and a registered live in nurse. The residents received regular medical treatment. Hospice owns the house and rents rooms to patients who need medical attention. It is like a smaller scale of an assisted living center.

Chairman Paul Willardson asked if Section A would restrict housing like the house Brian Carver looked at in California.

Commissioner Brian Carver said Section C would consider it a business if there was a staffed nurse. If it is not a business, someone is less likely to want to manage the unit.

Chairman Paul Willardson asked what the purpose for the city is to not let it operate as a business.

Commissioner Brian Carver said it provides assurance that the owners are not just there to make money. It is like an owner-occupied dwelling unit, where the owner is more motivated to keep the unit up.

Chairman Paul Willardson said the Planning Commission is trying to find more affordable housing for people in different situations. There is a need for multiple types of housing with this being one housing type we've seen. It makes sense to make the adjustments and recommend them to the City Council.

Commissioner Blake Foster said he would like to see a recommendation made on this code.

Commissioner Brian Carver said he would also like a discussion with the City Council to discuss how the home could be

operated. That type of housing shouldn't be noisy, there may just be a few extra family members cars.

Commissioner Terry Mann asked if stipulations would be placed such as if a person got to a certain health level, they would need to be moved from the home to protect the others living there.

Chairman Paul Willardson asked if the code defines what an elderly person is.

Commissioner Brian Carver said he isn't sure if the City Code defines an elderly person. State Code says the person must be willing to live there.

Commissioner Blake Foster recommended starting with Section A and proposing it to state "A residential facility for the elderly persons may operate as a business."

Commissioner Brian Carver said there would have to be rules and limitations put in place to help with upkeep of the home if allowed to operate as a business.

Chairman Paul Willardson confirmed the first recommendation to change Section A to state "A residential facility for elderly persons may operate as a business." Paul asked if changes needed to be made to Section B or strike it out.

Commissioner Terry Mann asked if Section A can state the business needs to be locally owned. The trailer park is not locally owned, and Terry Mann thinks it would be best to be locally owned.

Commissioner Brian Carver would recommend striking Section B line one. Section D is good to include and is similar to multifamily code.

Chairman Paul Willardson asked if the Planning Commission agreed as a group to strike Section B item one. Section B item two was read out loud and Paul asked if someone could interpret that.

Commissioner Brian Carver said four unrelated people can live in the home unless it is a duplex that allows eight individuals to live there.

Commissioner Terry Mann said that is consistent with

multifamily housing code.

Chairman Paul Willardson read aloud Section C and asked if healthcare needed to be added.

Commissioner Brian Carver said Section C is written as an exception to Section A. If food and utilities are charged, that is not considered a business. A business would include further items being charged such as healthcare, yard care, or a therapist.

Chairman Paul Willardson asked if it is allowed to be run as a business, are their other changes to add such as providing healthcare or being professionally staffed. Section D-H is the state code so that doesn't need to be changed. If someone was trying to take care of those living there and wasn't licensed, could that come back on Hyrum City.

Commissioner Terry Mann said there has to be liability within the business.

Chairman Paul Willardson asked if that falls into business licensing with the business itself.

Commissioner Terry Mann said it would depend on how the business was advertised.

Commissioner Dixie Schwartz asked if any cities in Cache Valley have a similar code to this.

Chairman Paul Willardson asked if the difference between this and Sunshine Terrace or Blacksmith Fork Assisted Living is allowing the housing in a residential area.

Commissioner Brian Carver said the difference is the smaller number of people living in the home.

Commissioner Dixie Schwartz asked if the home could be considered a business in a residential area.

Commissioner Brian Carver said business is not allowed in residential areas besides home occupation businesses because they are owner occupied. The Blacksmith Fork Assisted Living is commercial and close to the Senior Center. This would be a smaller scale than assisted living. If Brian Carver were to bring in his father and two war buddies as the code is currently written, he could charge for food and basic upkeep,

and it would not be considered a business.

Commissioner Terry Mann asked who would be willing to take on that responsibility.

Commissioner Dixie Schwartz asked what the benefit would be to the owner if no rent is collected.

Commissioner Brian Carver said this code could be valuable if the requirement was taken out to be owner occupied and allowed it to be operated as a business. One home per block or 660 feet shouldn't impact the neighborhood too much.

Chairman Paul Willardson said if the city allows for rent, food, and healthcare to be included, the owner would be more motivated to take care of the property. Paul's recommendation would be allowing it to be a business and remove owned by resident. He would also like to add a limitation on how close they can be placed.

Commissioner Brian Carver said Section D covers how close units can be placed near each other.

Commissioner Terry Mann asked if that would allow for one elderly facility and one four-plex multifamily dwelling per block. She asked if the city wanted to allow both on a residential block.

Chairman Paul Willardson and Commissioner Brian Carver said no.

Chairman Paul Willardson said they are different from each other. The Planning Commission is bringing recommendations to the City Council based on needs. He said another meeting could be held to discuss the future zoning of other areas. Paul recommended bringing three different recommendations together in a document before taking them to the City Council.

All commissioners agreed.

Chairman Paul Willardson asked what discussion the Planning Commission would like to talk about in the next meeting.

Commissioner Brian Carver said a discussion could be held discussing R2-A zones that allow duplexes and fourplexes. Possible topics could include proposed rezones for R2-A, restricting R2-A from the code, and allowing duplexes in a

residential zone. Brian Carver would like to see Section C on elderly residential facilities removed.

There being no further discussion, Chairman Paul Willardson allowed Gail Hembree located at 1452 East 300 South to speak.

Gail Hembree came to the City Office April 11th to submit a Planning Commission request. She was told it was too late to be on the agenda for April, but that she would be on the May 11th agenda and that's why she came tonight. She has some personal situations that make it hard for her to keep waiting each month for approval. City zoning states a shed cannot be placed beside the house as it must be placed in the rear yard. She has a garden area that she can't garden in and would like to put a pergola there and place a shed to the side of the home. She is not set on a specific location and said it could be centered in the side yard or closer to the fence.

Chairman Paul Willardson asked how tall her fence is.

Gail Hembree said she has a six-foot white vinyl fence. The HOA has approved the request and she is waiting for city approval.

Commissioner Terry Mann asked if the shed was going to be placed behind the fence.

Chairman Paul Willardson said shed exceptions for the side yard have been approved before. Paul said it looks like Gail Hembree has gone through the correct process for approval. He asked how much room was on the other side of the house.

Gail Hembree said the other side has 19 feet 10 inches.

Chairman Paul Willardson said the HOA has approved the shed and there was a good discussion tonight. With this item not being able to be approved because it was not on the agenda, there was discussion on when the Planning Commission could meet for a special meeting.

Gail Hembree said Monday evening worked for her, but she was unavailable Tuesday.

All commissioners agreed to hold a special meeting on Monday May 15th at 6:30 p.m.

Gail Hembree asked if the Planning Commission had any specific

area they would like the shed placed in the side yard.

Chairman Paul Willardson said it would best be placed in the center away from the house for fire safety and away from the property line.

ADJOURNMENT:

ACTION **There being no further business before the Planning Commission, the meeting adjourned at 7:33 p.m.**

Paul Willardson
Chairman

ATTEST:

Hailey Brown
Secretary

Approved: July 13, 2023
As Written