



## CITY COUNCIL MEETING

Thursday, December 07, 2023 at 6:30 PM  
Council Chambers, 60 West Main, Hyrum, Utah

### AGENDA

Public notice is hereby given of a Hyrum City Council Meeting to be held in the Council Chambers, 60 West Main, Hyrum, Utah at 6:30 PM, December 07, 2023. The proposed agenda is as follows:

1. **ROLL CALL**
2. **CALL TO ORDER**
3. **WELCOME**
4. **PLEDGE OF ALLEGIANCE**
5. **INVOCATION**
6. **APPROVAL OF MINUTES**
7. **AGENDA ADOPTION**
8. **PUBLIC COMMENT**
9. **SCHEDULED DELEGATIONS**
  - A. [Josi Andersen - To request approval of a Home Occupation Business License for a hair and nail salon at 40 East 300 South.](#)
  - B. [Aaron Hixson, HBME - To present the 2022-2023 Audit Report.](#)
10. **INTRODUCTION AND APPROVAL OF RESOLUTIONS AND ORDINANCES**
  - A. [Resolution 23-26 - A resolution authorizing a Tax Certificate and Agreement for UAMPS' Payson Power Project; and related matters.](#)
  - B. [Resolution 23-27 - A resolution amending Section III Employee Hiring of the Personnel Policies and Procedures Manual for Hyrum City Corporation.](#)
  - C. [Ordinance 23-11 - An ordinance amending Title 17 \(the Zoning Ordinance\) of the Hyrum City Municipal Code Sections 17.28.250, 17.30.250, 17.32.140, 17.36.140, 17.38.250, 17.44.110, and 17.45.210 amending the maximum width for residential driveway access from 25' to 35' and other miscellaneous housekeeping items.](#)
  - D. [Ordinance 23-12 - An ordinance amending Title 17 \(the Zoning Ordinance\) Chapter 17.80 Nonconforming Buildings and Uses of the Hyrum City Municipal Code to remove the exception for businesses and buildings granted approval for light manufacturing in the RA Zone before April 1, 2008 to no longer allow expansion within the existing parcel of property and to remove the exception for abandonments; and miscellaneous housekeeping items.](#)

**11. OTHER BUSINESS**

- A. [Consideration and acceptance of improvements for Scenic Mountain Subdivision Phase 2.](#)
- B. Mayor and City Council Reports.

**12. ADJOURNMENT**

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**Stephanie Fricke**  
**City Recorder**

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speakerphone. The speakerphone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions. In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Hyrum City at 435-245-6033 at least three working days before the meeting.

**CERTIFICATE OF POSTING** - The undersigned, duly appointed and acting City Recorder of Hyrum City, Utah, does hereby certify that a copy of the foregoing Notice was emailed to The Herald Journal, Logan, Utah, posted on the Utah Public Notice Website and Hyrum City's Website, provided to each member of the governing body, and posted at the City Offices, 60 West Main, Hyrum, Utah, this **4th day of December, 2023**. Stephanie Fricke, MMC, City Recorder.



60 West Main Street  
Hyrum, Utah 84319  
435-245-6033  
www.hyrumcity.com

### BUSINESS LICENSE APPLICATION

Business Name: Bushel and Peck Salon

Doing Business As: Cosmetology

Business Address: 40 East 300 South Hyrum Ut 84319

Business Phone: (435) 213 5255

E-mail: Bushelandpecksalon@gmail.com Fax No. Ø

Mailing Address: 40 East 300 South

City, State, Zip: Hyrum Ut 84319

State Tax ID: 13673224-0160 State Lic.# 9263079-1101

Nature of Business: Hair, Nails, Pedicures

Owner Name: Josi Andersen

Manager Name: Josi Andersen Manager Phone: 435 213 5255

Manager Address: 40 E 300 S Hyrum Ut 84319

I certify that I am authorized agent for the above named business, and that all information is true and correct.

Josi Andersen 11/17/2023  
Signature Date

Office Use Only

Approved by: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Acct.# \_\_\_\_\_

Date Paid: \_\_\_\_\_ Amount: \_\_\_\_\_ Receipt #: \_\_\_\_\_



60 West Main Street  
Hyrum, Utah 84319  
435-245-6033  
www.hyrumcity.com

## HOME OCCUPATION BUSINESS LICENSE APPLICATION

For businesses operating within a residence in Hyrum City limits.

Applicant(s) Name: Josi Andersen

Date Submitted: 11/17/2023

Address: 40 East 300 South Hyrum Ut 84319

Telephone #: (435) 213 5255

Name of Business: Bushel and Peck Salon

1. What is the proposed home occupation? Home salon

2. How many clients will be coming to the home at any one time during a daily interval?

4-6 a day / one at a time

3. What provisions are available for off street parking?

Driveway / street parking

4. What type of equipment, materials, machinery, tools, and merchandise stock are involved in the home occupation?

Hair station, Nail Desk, Pedicure station

5. What type of modifications to the residential structure are anticipated because of the home occupation?

None

ALL HOME OCCUPATIONS MUST COMPLY WITH THE FOLLOWING REQUIREMENTS OF ZONING ORDINANCE 5.04.200 (please initial)

JA A. "Home occupation" means an occupation performed wholly within a residence or the yard and accessory buildings being a part of such residence. Home occupations shall not change the character of the residence or the residential neighborhood. A business license is required for some home occupations. They shall be issued for a one-year period and are renewable. The City Council may review a license in reaction to neighbor's complaints and may revoke it if evidence warrants this action.

- JA B. Two levels of home occupations exist. Both are required to maintain all of the standards of a home occupation business license. Because of the potential negative impact on residential area, the following businesses are prohibited as home occupations: auto/RV repairs, salvage yards, major appliance repair, or service.
- JA C. Level one applicants are in occupation categories that the City Council has determined have virtually no negative impact on residential neighborhoods and do not require a license. Occasional businesses operated by a minor are not required to obtain a business license.
- JA D. All applicants whose home occupations receive commercial delivery service, has signage advertising the business, performs services in view or hearing of the public, or has customers coming to the residence, are considered level two home occupations and require a license. They also may be required to meet with the City Council and explain how their home occupation is in conformance with the home occupation standards. The City Council may attach limitations or conditions to their licenses.
- E. Home occupation standards:
  - JA 1. The exterior of the home will not be modified in any way to accommodate the home occupation (i.e. loading ramps, loading doors, etc).
  - JA 2. The occupation will be conducted entirely within the house, yard, and existing outbuildings.
  - JA 3. The home occupation license covers only residents of the home.
  - JA 4. No outside storage of goods or materials is permitted.
  - JA 5. Pedestrian and vehicular traffic will not be in excess of that normally associated with a residential neighborhood.
  - JA 6. One sign will be permitted on the property. It must meet the requirements of 17.72.010 "Name Plate".
  - JA 7. The home occupation must be operated in full conformity with fire, health, building, electrical, plumbing codes, and all State and City laws and ordinances.
  - JA 8. No noise, odor, light, vibrations or dust in excess of that normally associated with a residential neighborhood shall pass beyond the premises.
  - JA 10. State licenses will be required for "Professional Child Care".
- JA F. The City Council may, at their discretion, waive certain of the above standards for the elderly or handicapped.

In order to guarantee that the Home Occupation, once authorized, will not become a nuisance to the neighbors, the City Council may impose other reasonable conditions initially and also subsequently to protect the public health, safety, peace, and welfare of the residents of the surrounding area.

Applicant's Affidavit: I (we), Josi Andersen, affirm that I (we) am (are) the owner(s) or authorized agent(s) of the owner of property involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits are complete, to the best of my (our) knowledge and, that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

Property Owner(s) Signature: Josi Andersen

Applicants Signature: Josi Andersen

## RESOLUTION 23-26

A RESOLUTION AUTHORIZING A TAX CERTIFICATE AND AGREEMENT  
FOR UAMPS' PAYSON POWER PROJECT; AND RELATED MATTERS.

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WHEREAS, Hyrum City, Utah (the "*Participant*") is a member of Utah Associated Municipal Power Systems ("*UAMPS*") and is a Participant in the Payson Power Project (the "*Project*") under the Payson Power Project Power Sales Contract dated as of June 1, 2002, as supplemented (the "*Power Sales Contract*") between the Participant and UAMPS;\*

WHEREAS, the Participant has been advised that UAMPS proposes to enter into a Commodity Supply Contract (the "*Supply Contract*") with Southeast Energy Authority, a Cooperative District ("*SEA*") to purchase a portion of the natural gas necessary for the operation of the Project at price that reflects a discount from the current contract price of natural gas for the Project being paid by UAMPS, and that the savings from such discount will be applied by UAMPS for the benefit of the Participant and the other Participants in the Project based on their respective Entitlement Shares;

WHEREAS, the Participant has been advised that SEA will issue bonds to finance a prepayment for the natural gas that it sells to UAMPS under the Supply Contract (the "*Prepay Bonds*") with the intention that the interest on the Prepay Bonds will qualify for tax exemption under Section 103 of the Internal Revenue Code of 1986, as amended (the "*Code*"); and

WHEREAS, the Participant acknowledges that its use of the electricity it purchases from its Entitlement Share under the Power Sales Contract will be subject to certain restrictions that are necessary to establish and maintain the tax-exempt status of interest on the Prepay Bonds, and desires to adopt this resolution to authorize a Tax Certificate and Agreement that sets forth the Participant's agreement to comply with such restrictions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HYRUM CITY, UTAH, AS FOLLOWS:

*Section 1. Approval of Tax Certificate and Agreement.* The Tax Certificate and Agreement, in substantially the form attached hereto as *Exhibit A*, is hereby authorized and approved.

*Section 2. Authorized Officers; Final Changes and Dating.* The Participant's Representative and Alternate Representative to UAMPS (the "*Authorized Officers*") are each hereby authorized to execute and deliver the Tax Certificate and Agreement and to deliver the same to UAMPS on behalf of the Participant. Each of the Authorized Officers is hereby delegated

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\* Capitalized terms used and not otherwise defined herein have the meanings assigned to them in the Power Sales Contracts and the Tax Certificate and Agreement.

authority to approve such changes to the Tax Certificate and Agreement as are necessary to complete the form thereof, together with any minor or non-substantive changes, and his or her execution of the Tax Certificate and Agreement shall be conclusive evidence of such approval. The Authorized Officers shall deliver an executed and undated copy of the Tax Certificate and Agreement on or prior to the date requested by UAMPS, and UAMPS is hereby authorized to deliver the Tax Certificate and Agreement, dated the issue date of the Prepay Bonds, to SEA on behalf of the Participant.

*Section 3. Other Actions With Respect to the Tax Certificate and Agreement.* The Authorized Officers shall take all action necessary or reasonably required to carry out and give effect to the Tax Certificate and Agreement including adjusting the priority of the Participant’s resources within the UAMPS Power Pool to ensure the Qualified Use of the electricity from the Participant’s Entitlement Share in the Project.

*Section 4. Severability.* If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

*Section 5. Effective Date.* This resolution shall be effective immediately upon its approval and adoption.

ADOPTED AND APPROVED by the City Council of Hyrum City, Utah, this day,  
\_\_\_\_\_.

HYRUM CITY, UTAH

By \_\_\_\_\_  
Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
City Recorder

## EXHIBIT A

## TAX CERTIFICATE AND AGREEMENT

This Tax Certificate and Agreement is executed in connection with the Commodity Supply Contract (the “*Supply Contract*”) between Southeast Energy Authority, a Cooperative District (“*SEA*”) and Utah Associated Municipal Power Systems (“*UAMPS*”).

WHEREAS, \_\_\_\_\_ (the “*Participant*”) is a member of UAMPS and has entered into the Payson Power Project Power Sales Contract dated as of \_\_\_\_\_<sup>1</sup> (the “*Power Sales Contract*”) with UAMPS;

WHEREAS, the Participant understands that UAMPS has entered into the Supply Contract to obtain a supply of natural gas for use as fuel in the operation of the Payson Power Project, and that UAMPS will sell a portion of the electricity generated with such natural gas to the Participant in accordance with its Entitlement Share under (and as such term is defined in) the Power Sales Contract;

WHEREAS, the Participant further understands that SEA will issue bonds to finance a prepayment for the natural gas that it sells to UAMPS under the Supply Contract (the “*Prepay Bonds*”) with the intention that the interest on the Prepay Bonds will qualify for tax exemption under Section 103 of the Internal Revenue Code of 1986, as amended (the “*Code*”); and

WHEREAS, the Participant acknowledges that its use of the electricity it purchases from its Entitlement Share under the Power Sales Contract is subject to certain restrictions that are necessary to establish and maintain the tax-exempt status of interest on the Prepay Bonds;

ACCORDINGLY AND IN FURTHERANCE OF THE FOREGOING, THE PARTICIPANT HEREBY CERTIFIES AND AGREES AS FOLLOWS:

1. The Participant is a political subdivision of the State of \_\_\_\_\_,<sup>2</sup> and owns and operates a municipal utility system that provides electricity service to retail customers located in an established service area (the “*System*”).

2. The Participant will (a) use all of the electricity it acquires from its Entitlement Share under the Power Sales Contract in a Qualified Use (as defined below), (b) not take any action (or make any allocation) that is inconsistent with the Qualified Use of such electricity, (c) not take or omit to take any action which could adversely affect the tax-exempt or tax-advantaged status of interest on the Prepay Bonds or any refunding bonds issued by SEA, (d) take, and pay the costs of, such remedial actions as may be necessary to maintain the tax-exempt or tax-advantaged status

<sup>1</sup> (a) “June 1, 2002” for Fairview, Monroe, Mt. Pleasant, Payson and Springville, (b) “June 1, 2002, as supplemented” for Ephraim, Hurricane, Hyrum, Kaysville, Lehi, Logan, Santa Clara, Spring City, SESD and Washington, and (c) “December 1, 2009” for TDPUD.

<sup>2</sup> Utah for all Participants, except California for TDPUD.



of interest on the Prepay Bonds or any refunding bonds in the event of its failure to use such electricity in a Qualified Use, and (e) act in accordance with such reasonable written instructions as may be provided by SEA (through UAMPS) from time to time in order to maintain the tax exempt or tax-advantaged status of the Prepay Bonds.

3. “Qualified Use” means the sale of electricity to retail customers located within the “electricity service area” of a municipal utility pursuant to generally applicable and uniformly applied rate schedules or tariffs; *provided* that: (a) “Qualified Use” shall not include any sale of electricity that gives rise to “private business use” or a “private loan” within the meaning of Section 141 of the Code; and (b) “Qualified Use” shall include such additional uses of electricity as may be approved by SEA (through UAMPS) with a favorable opinion of bond counsel. For purposes of this definition: (i) “electricity service area” has the meaning assigned to such term in U.S. Treasury Regulation Section 1.148-1(e)(2)(iii); and (ii) a “municipal utility” is a state or local government unit that owns and operates an electric distribution utility.

4. In each of the five calendar years preceding 2024, the amount of electricity sold to retail customers in the Participant’s electricity service area has equaled or exceeded the amount of electricity attributable to its Entitlement Share under the Power Sales Contract (excluding the amount of electricity that the Participant was obligated to take under a long term agreement that was either (i) purchased pursuant to a long term prepaid agreement using the proceeds of tax-exempt or tax-advantaged obligations, or (ii) generated from gas that a person is obligated to take under a long term agreement that was purchased pursuant to a long term prepaid agreement using the proceeds of tax-exempt or tax-advantaged obligations), and it anticipates this to be the case in 2024.

5. References to the “Bonds” in Section 17(c) [Sale or Assignment of Electric System or Power Sales Contract] and Section 17(f) [Tax Status] of the Power Sales Contract shall be deemed to include the Prepay Bonds at all times while the Supply Contract is in effect.

6. The Participant expects to make the required payments under the Power Sales Contract solely from the current revenues of the System.

Dated: \_\_\_\_\_, 2024.

[NAME OF PARTICIPANT]

By: \_\_\_\_\_

[Name]

[Title]

**TALKING POINTS RE PREPAY TRANSACTION**  
**NOVEMBER 27, 2023**

**OVERVIEW**

- The Internal Revenue Code and US Treasury Regulations (“Tax Code and Regulations”) contain special provisions that allow tax-exempt bonds to be issued to finance prepayments for natural gas and electricity. The prepay transactions are structured to convert the difference between the issuer’s lower (tax-exempt) cost of funds and the prepaid energy supplier’s higher (taxable) cost of funds into a discounted price for prepaid energy.
  - The initial discount is expected to be at least 7.5% and will be determined before closing.
  - The amount of the discount will be reset periodically over the term of the prepay (every five to ten years) when the bonds are refinanced.
- UAMPS will assign existing gas or electricity purchase agreements into the prepay transaction and the discount will be applied to the contract prices under these agreements.
- The Tax Code and Regulations require that the prepaid (discounted) gas or electricity (including electricity that is generated using prepaid natural gas as fuel) be used by UAMPS members to serve retail customers in their municipal utility service areas. This is referred to as the “Qualifying Use” requirement.
- The date of closing has not yet been determined but will likely take place in Q1 2024.
- The term of the transaction is thirty years.

**CONTRACT STRUCTURE**

- Southeast Energy Authority (“SEA”) will issue bonds for a 30-year prepayment for gas or electricity from a special purpose entity (“Prepay LLC”) organized by J. Aron & Company, the commodities affiliate of Goldman Sachs & Co.
  - UAMPS has no obligation on the bonds issued by SEA.
- UAMPS will assign previously-executed gas purchase or power purchase agreement(s) to J. Aron through a Limited Assignment Agreement (“LAA”).
  - The LAA does not require any changes to the existing purchase agreement, but will be consented to by the seller.
  - The LAA is designed to leave the seller indifferent to the prepay. All interactions between UAMPS and seller remain the same.
  - The amount of gas or electricity purchases assigned to J. Aron under the LAA establishes the monthly cashflows required over the 30-year term of the prepay.
- UAMPS will first assign a 5-year gas purchase made to fuel the Nebo Power Plant into the prepay.
  - UAMPS is assigning less than the total amount of prepaid gas to allow for flexibility in future assignments.
  - In the future UAMPS will assign other gas or power purchase agreements, such as Red Mesa or Steel Solar, into the prepay to support the required monthly cashflows and to continue to receive the discount from the prepay.
- The LAA provides J. Aron “flash title” to the assigned gas or electricity, which is then delivered to Prepay LLC, which is then delivered to SEA, which then delivers the gas or electricity to UAMPS.

- If the prepaid transaction terminates for any reason, the LAA also terminates and UAMPS and the seller are restored to their original positions.
- UAMPS will enter a “Commodity Supply Agreement” with SEA to purchase the gas or electricity from SEA at a discount.
- The bonds issued by SEA will need to be refinanced from time to time over the 30-year term of the prepay. When the bonds are refinanced, the discount available to UAMPS under the Commodity Supply Agreement will need to be reset.
  - Changes in market conditions could lead to a lower (or higher) savings for UAMPS.
  - The Commodity Supply Agreement will specify the minimum discount to be achieved for each reset period. If minimum is not achieved, UAMPS may choose not to take energy from the prepay project during the reset period.

#### **QUALIFIED USE CERTIFICATE**

- UAMPS has provided a resolution for the governing boards of the Payson Power Project Participants (“Participants”) that approves the form of a “Qualified Use Certificate” for the prepaid energy. Please have the resolution signed and returned to UAMPS.
  - Complete the resolution by filling in the date it was adopted on page 2 Please do not make changes to these documents without contacting UAMPS.
  - The resolution may be passed at any time.
  - Do not complete or sign the generic form of the Qualified Use Certificate that’s attached to the resolution. We will send you a final, individualized Qualified Use Certificate a few weeks before the bond closing for execution.
- The Qualified Use Certificate states that the electricity that the Participant receives from the prepay will be used to serve retail customers located in the established service territory of its electric utility system.
  - If, during the term of the prepay, a Participant uses the electricity for a non-Qualified Use, it agrees that it will cooperate with UAMPS to remediate the non-Qualified Use through its other power purchases from UAMPS.
- The Participant must also confirm in the Qualified Use Certificate that the amount of its historic electricity sales to its retail customers equals or exceeds the amount of electricity attributable to its Entitlement Share under the Payson Power Sales Contract.

RESOLUTION 23-27

A RESOLUTION AMENDING SECTION III EMPLOYEE HIRING OF THE PERSONNEL POLICIES AND PROCEDURE MANUAL FOR HYRUM CITY CORPORATION.

WHEREAS, on March 19, 1998, the Hyrum City Council adopted a personnel policy manual known as "Personnel Policies and Procedures Manual for Hyrum City Corporation"; and

WHEREAS, said manual sets forth those policies pertaining to personnel conduct, conditions of employment, employment classification, work week, benefits, payroll, and related matters; and

WHEREAS, Section III of the manual establishes the procedures for employee hiring, selection, and placement; and

WHEREAS, the City has required a background check be conducted on all new employees and this past year Utah State Code requires some positions to have a mandated background examination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hyrum, Cache County, Utah, that Section III.4.B.(9) of the "Personnel Policies and Procedures Manual for Hyrum City Corporation" is hereby amended to read as follows:

4. PLACEMENT:

- B. (9) Notice that employment maybe contingent upon passing a background examination in accordance with Utah State Code, drug tests, medical/physical

THIS RESOLUTION shall become effective upon adoption.

ADOPTED AND PASSED by the Hyrum City Council this 6th day of December, 2023.

HYRUM CITY CORP.

BY: \_\_\_\_\_  
Stephanie Miller  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

ORDINANCE 23-11

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, Hyrum City allows as maximum width for residential driveway accesses of 25 feet in width; and

WHEREAS, the City has determined 25 feet is not wide enough to accommodate modern parking expectations.

NOW, THEREFORE, upon recommendation of the Planning Commission and following a public hearing held October 12, 2023 as required by Section 17.08.150, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE SECTIONS 17.28.250, 17.30.250, 17.32.140, 17.36.140, 17.38.250, 17.44.110, AND 17.45.210 AMENDING THE MAXIMUM WIDTH FOR RESIDENTIAL DRIVEWAY ACCESSES FROM 25' TO 35' AND OTHER MISCELLANEOUS HOUSEKEEPING ITEMS.

- 1. Section 17.28.250 of the Hyrum City Municipal Code is hereby amended to read as follows:

17.28.250 Off-Street Parking - Special Regulations

- A. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- B. Parking for a ~~single-family~~ single-family dwelling shall be provided only in a private garage, or in an area properly located for a future garage.
- C. Prior to issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways, and the relationship to the use to be served by the off-street parking shall be provided to the City Engineer inspector. Approval will be based on:
  - 1. Adequate number of spaces;

2. Relation of parking to use;
  3. All parking spaces must be usable and accessible by adequate roadway-parking configuration to be approved by City Engineer;
  4. Parking stalls are to be nine (9) feet by twenty (20) feet and of a hard surface such as asphalt, cement concrete or brick. Gravel, road base, etc., are not considered hard surfaces. Access to ~~stall~~ the stalls (the driveway) shall also be, at minimum, sixteen (16) feet wide and will require hard surface where curb and gutter exist. Residential driveway accesses (curb cuts) shall be limited to a maximum width of twenty-five (25) thirty-five (35) feet. Platted major subdivisions will require hard surface driveways to the paved street.
- D. Location of Parking Space. Parking space, as required herein, shall be on the same lot with the main building, or in the case of nonresidential buildings, may be located not further than three hundred (300) feet therefrom.
- E. Parking requirements for nursing homes and private schools will be determined during the review of approval for a conditional use permit. Amended by Ord. 19-04 on 3/7/2019
2. Section 17.30.250 of the Hyrum City Municipal Code is hereby amended to read as follows:

17.28.250 Off-Street Parking - Special Regulations

- A. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- B. Parking for a ~~single-family~~ single-family dwelling shall be provided only in a private garage, or in an area properly located for a future garage.
- C. Prior to issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways, and the relationship to the use to be served by the off-street parking shall be provided to the City Engineer inspector. Approval will be based on:
  1. Adequate number of spaces;
  2. Relation of parking to use;

3. All parking spaces must be usable and accessible by adequate roadway-parking configuration to be approved by City Engineer;
  4. Parking stalls are to be nine (9) feet by twenty (20) feet and of a hard surface such as asphalt, cement concrete or brick. Gravel, road base, etc., are not considered hard surfaces. Access to ~~stall~~ the stalls (the driveway) shall also be, at minimum, sixteen (16) feet wide and will require hard surface where curb and gutter exist. Residential driveway accesses (curb cuts) shall be limited to a maximum width of twenty-five (25) thirty-five (35) feet. Platted major subdivisions will require hard surface driveways to the paved street.
- D. Location of Parking Space. Parking space, as required herein, shall be on the same lot with the main building, or in the case of nonresidential buildings, may be located not further than three hundred (300) feet therefrom.
- E. Parking requirements for nursing homes and private schools will be determined during the review of approval for a conditional use permit. Amended by Ord. 19-04 on 3/7/2019
3. Section 17.32.140 of the Hyrum City Municipal Code is hereby amended to read as follows:
    - 17.28.250 Off-Street Parking - Special Regulations
    - A. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
    - B. Parking for a ~~single-family~~ single-family dwelling shall be provided only in a private garage, or in an area properly located for a future garage.
    - C. Prior to issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways, and the relationship to the use to be served by the off-street parking shall be provided to the City Engineer inspector. Approval will be based on:
      1. Adequate number of spaces;
      2. Relation of parking to use;
      3. All parking spaces must be usable and accessible by adequate roadway-parking configuration to be approved by City Engineer;



4. Parking stalls are to be nine (9) feet by twenty (20) feet and of a hard surface such as asphalt, cement concrete or brick. Gravel, road base, etc., are not considered hard surfaces. Access to ~~stall~~ the stalls (the driveway) shall also be, at minimum, sixteen (16) feet wide and will require hard surface where curb and gutter exist. Residential driveway accesses (curb cuts) shall be limited to a maximum width of twenty-five (25) thirty-five (35) feet. Platted major subdivisions will require hard surface driveways to the paved street.
- D. Location of Parking Space. Parking space, as required herein, shall be on the same lot with the main building, or in the case of nonresidential buildings, may be located not further than three hundred (300) feet therefrom.
- E. Parking requirements for nursing homes and private schools will be determined during the review of approval for a conditional use permit. Amended by Ord. 19-04 on 3/7/2019
4. Section 17.36.140 of the Hyrum City Municipal Code is hereby amended to read as follows:
- 17.28.250 Off-Street Parking - Special Regulations
- A. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- B. Parking for a ~~single-family~~ single-family dwelling shall be provided only in a private garage, or in an area properly located for a future garage.
- C. Prior to issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways, and the relationship to the use to be served by the off-street parking shall be provided to the City Engineer inspector. Approval will be based on:
1. Adequate number of spaces;
  2. Relation of parking to use;
  3. All parking spaces must be usable and accessible by adequate roadway-parking configuration to be approved by City Engineer;
  4. Parking stalls are to be nine (9) feet by twenty (20) feet and of a hard surface such as asphalt, cement concrete or brick. Gravel, road base, etc.,

are not considered hard surfaces. Access to ~~stall~~ the stalls (the driveway) shall also be, at minimum, sixteen (16) feet wide and will require hard surface where curb and gutter exist. Residential driveway accesses (curb cuts) shall be limited to a maximum width of twenty-five (25) thirty-five (35) feet. Platted major subdivisions will require hard surface driveways to the paved street.

- D. Location of Parking Space. Parking space, as required herein, shall be on the same lot with the main building, or in the case of nonresidential buildings, may be located not further than three hundred (300) feet therefrom.
  - E. Parking requirements for nursing homes and private schools will be determined during the review of approval for a conditional use permit. Amended by Ord. 19-04 on 3/7/2019
5. Section 17.38.250 of the Hyrum City Municipal Code is hereby amended to read as follows:

17.28.250 Off-Street Parking - Special Regulations

- A. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- B. Parking for a ~~single-family~~ single-family dwelling shall be provided only in a private garage, or in an area properly located for a future garage.
- C. Prior to issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways, and the relationship to the use to be served by the off-street parking shall be provided to the City Engineer inspector. Approval will be based on:
  - 1. Adequate number of spaces;
  - 2. Relation of parking to use;
  - 3. All parking spaces must be usable and accessible by adequate roadway-parking configuration to be approved by City Engineer;
  - 4. Parking stalls are to be nine (9) feet by twenty (20) feet and of a hard surface such as asphalt, cement concrete or brick. Gravel, road base, etc., are not considered hard surfaces. Access to ~~stall~~ the stalls (the driveway) shall also be, at minimum, sixteen (16) feet wide and will require

hard surface where curb and gutter exist. Residential driveway accesses (curb cuts) shall be limited to a maximum width of twenty-five (25) thirty-five (35) feet. Platted major subdivisions will require hard surface driveways to the paved street.

- D. Location of Parking Space. Parking space, as required herein, shall be on the same lot with the main building, or in the case of nonresidential buildings, may be located not further than three hundred (300) feet therefrom.
  - E. Parking requirements for nursing homes and private schools will be determined during the review of approval for a conditional use permit. Amended by Ord. 19-04 on 3/7/2019
6. Section 17.44.110 of the Hyrum City Municipal Code is hereby amended to read as follows:

17.28.250 Off-Street Parking - Special Regulations

- A. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- B. Parking for a ~~single-family~~ single-family dwelling shall be provided only in a private garage, or in an area properly located for a future garage.
- C. Prior to issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways, and the relationship to the use to be served by the off-street parking shall be provided to the City Engineer inspector. Approval will be based on:
  1. Adequate number of spaces;
  2. Relation of parking to use;
  3. All parking spaces must be usable and accessible by adequate roadway-parking configuration to be approved by City Engineer;
  4. Parking stalls are to be nine (9) feet by twenty (20) feet and of a hard surface such as asphalt, cement concrete or brick. Gravel, road base, etc., are not considered hard surfaces. Access to ~~stall~~ the stalls (the driveway) shall also be, at minimum, sixteen (16) feet wide and will require hard surface where curb and gutter exist. Residential driveway accesses (curb cuts) shall be limited to a maximum width of twenty-five (25)

thirty-five (35) feet. Platted major subdivisions will require hard surface driveways to the paved street.

- D. Location of Parking Space. Parking space, as required herein, shall be on the same lot with the main building, or in the case of nonresidential buildings, may be located not further than three hundred (300) feet therefrom.
  - E. Parking requirements for nursing homes and private schools will be determined during the review of approval for a conditional use permit. Amended by Ord. 19-04 on 3/7/2019
7. Section 17.45.210 of the Hyrum City Municipal Code is hereby amended to read as follows:

17.28.250 Off-Street Parking - Special Regulations

- A. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- B. Parking for a ~~single-family~~ single-family dwelling shall be provided only in a private garage, or in an area properly located for a future garage.
- C. Prior to issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways, and the relationship to the use to be served by the off-street parking shall be provided to the City Engineer inspector. Approval will be based on:
  1. Adequate number of spaces;
  2. Relation of parking to use;
  3. All parking spaces must be usable and accessible by adequate roadway-parking configuration to be approved by City Engineer;
  4. Parking stalls are to be nine (9) feet by twenty (20) feet and of a hard surface such as asphalt, cement concrete or brick. Gravel, road base, etc., are not considered hard surfaces. Access to ~~stall~~ the stalls (the driveway) shall also be, at minimum, sixteen (16) feet wide and will require hard surface where curb and gutter exist. Residential driveway accesses (curb cuts) shall be limited to a maximum width of twenty-five (25) thirty-five (35) feet. Platted major subdivisions will require hard surface driveways to the paved street.

- D. Location of Parking Space. Parking space, as required herein, shall be on the same lot with the main building, or in the case of nonresidential buildings, may be located not further than three hundred (300) feet therefrom.
- E. Parking requirements for nursing homes and private schools will be determined during the review of approval for a conditional use permit. Amended by Ord. 19-04 on 3/7/2019

8. 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.

9. 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.

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

ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 7th day of December, 2023.

HYRUM CITY

BY: \_\_\_\_\_  
Stephanie Miller  
Mayor

ATTEST:  
  
\_\_\_\_\_

Stephanie Fricke  
City Recorder

Posted:

## ORDINANCE 23-12

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, the Hyrum City Council has found it necessary to amend Title 17 to reflect changes in state laws and the adoption of the Hyrum City's General Plan.

NOW, THEREFORE, 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 (THE ZONING ORDINANCE) CHAPTER 17.80 NONCONFORMING BUILDINGS AND USES OF THE HYRUM CITY MUNICIPAL CODE TO REMOVE THE EXCEPTION FOR BUSINESSES AND BUILDINGS GRANTED APPROVAL FOR LIGHT MANUFACTURING IN THE RA ZONE BEFORE APRIL 1, 2008 TO NO LONGER ALLOW EXPANSION WITHIN THE EXISTING PARCEL OF PROPERTY AND TO REMOVE THE EXCEPTION FOR ABANDONMENTS; AND MISCELLANEOUS HOUSEKEEPING ITEMS.

BE IT ORDAINED, by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Chapter 17.80 of the Hyrum City Municipal Code is hereby amended to read as follows:

**17.80.010 Purpose**

This chapter regulates the continued existence of non-conforming uses and non-complying structures as defined in HCC 17.04. While legal non-conforming uses and/or legal non-complying structures and improvements may continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and in the development standards prescribed by this code. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

**17.80.020 Determination Of Non-Conforming Status**

- A. Owner's Burden ~~Burden on owner to establish legality.~~  
The owner bears the burden of establishing that any non-conforming use or non-conforming structure lawfully exists.
- B. Determination of Status. The Planning Commission shall determine the non-conforming or non-complying status of properties. (Ord. 08-13)

**17.80.030 Authority To Continue**

- A. Continuation of non-conforming use. A legal ~~lawful~~ non-conforming use may continue subject to the standards and limitations of this chapter.
- B. Continuation of non-complying structure. A non-complying structure that was lawfully constructed with a permit prior to a contrary change in this code, may be used and maintained, subject to the standards and limitation of this chapter.

**17.80.040 Abandonment Or Loss Of Non-Conforming Use**

- A. ~~Abandonment of non-conforming use.~~ A non-conforming use that is discontinued for a continuous period of twelve (12) months is presumed abandoned and shall not thereafter be reestablished or resumed. Any subsequent use of the building, structure, or land must conform to the regulations for the zoning district in which it is located. ~~Businesses and buildings granted approval for Light Manufacturing use in the Residential Agriculture Zone (RA) before April 1, 2008, may continue to be used for Light Manufacturing, and are not under the twelve (12) months time limit for continued use.~~ (Ord. 08-14)
- B. Rebuttable Presumption of Abandonment. The presumption of abandonment may be rebutted upon showing that during such period:
  - 1. Any period of discontinued use was caused by governmental actions or an act of god without any contributing fault by the owner and the owner did not intend to discontinue the use; or
  - 2. The owner can demonstrate no abandonment of the use.

**17.80.050 Moving, Enlarging, Or Altering Non-Conforming Uses**

No non-conforming use may be moved, enlarged, altered, or occupy additional land, except as provided in this chapter.

- A. Enlargement. A non-conforming use may not be enlarged, expanded, or extended to occupy all or a part of another structure or site that it did not occupy on the date on which the use became non-conforming. A



non-conforming use may be extended through the same building or structure provided no structural alteration of the building or structure is proposed or made for the purpose of the extension and the parking demand is not increased. ~~Businesses and buildings granted approval for Light Manufacturing Use in the Residential Agriculture Zone (RA) before April 1, 2008, may be expanded within their existing parcel of property, but must meet site plan requirements in current City Code at the time of expansion.~~ (Ord. 08-14)

- B. Exterior or Interior Remodeling or Improvements to Building of Structure. Exterior or interior remodeling or improvements to a structure containing a non-conforming use shall be allowed provided there is no expansion of the area of the non-conforming use. Exterior remodeling shall be done with intent to meet the improvement clause of 17.80.010.
- C. Relocation of Building or Structure. A building or structure containing a non-conforming use may not be moved unless the use shall thereafter conform to the regulations of the zoning district into which the building or structure is moved.
- D. Change of Non-Conforming Use to Another Non-Conforming Use or a Conforming Use. Whenever any non-conforming use is changed to a conforming use, such use shall not later be changed back to a non-conforming use.
1. Application. Application for any non-conforming use must be made upon forms provided by the ~~City Recorder~~ Zoning Administrator. Upon filing of a complete application, the City shall post the property indicating that an application for modification of a non-conforming use has been filed and that more detailed information may be obtained from the City.
  2. Notification of Abutting Property Owners. Notice shall be given to owners of contiguous properties and those properties across the street ~~from~~ from the property's frontage, or frontages, in the case of a corner lot.
  3. Planning Commission Meeting. Within thirty (30) working days of the receipt of a complete application, and after giving public notice, the Planning Commission shall hold a public meeting on the non-conforming use application. The Commission shall either grant the application in whole or in part, with or without modifications or conditions, or deny the application. The

Commission's decision shall be made pursuant to criteria provided below.

4. Criteria. The Planning Commission shall approve an application to change a non-conforming use if the applicant proves the following criteria:
  - a. All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the non-conforming use or building upon abutting properties or in the neighborhood;
  - b. All changes, additions, or expansions comply with all current laws except as to use;
  - c. The new use, if applicable, will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and
  - d. The new use does not increase the parking requirement; ~~or if there is an increase,~~ the site plan meets the parking requirements for the proposed use as if located in the conforming zone and the Planning Commission finds that adjoining properties and the neighborhood will not be adversely impacted by the ~~increased~~ parking demand.

#### **17.80.060 Non-Complying Structures**

No non-conforming structure may be moved, enlarged, or altered, except in the manner provided in this chapter or unless required by law.

- A. Repair, Maintenance, Alteration, and Enlargement. Any non-complying structure may be repaired, maintained, or altered, ~~or enlarged~~ provided that such repair, maintenance, or alteration, ~~or enlargement~~ shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such structure.
- B. Moving. A non-complying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zone in which it will be located.

#### **17.80.070 Ordinary Repair And Maintenance And Structural Safety**

The owner may complete normal maintenance and incidental repair on a complying structure that contains a non-conforming use or on a non-complying structure. This chapter shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a structure

in accordance with an order of the Building Official who declares such structure to be unsafe and orders its restoration to a safe condition.

**17.80.080 Appeals**

Appeals from a Planning Commission’s or Administrator’s decision made pursuant to this chapter shall be made to the Administrative Appeals Hearing Officer. Any person filing an appeal for review of any decision made under the terms of this chapter shall file, in writing with the City Recorder, such appeal within ten (10) calendar days after the date of the Planning Commission’s or Administrator’s final decision as per provisions in HCC 17.16. (Ord. 08-13)

2. 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.

3. 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, the zoning map, 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.

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

5. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 7<sup>th</sup> day of December, 2023.

HYRUM CITY

\_\_\_\_\_  
Stephanie Miller  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

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

**SUBDIVISION IMPROVEMENT  
ACCEPTANCE WARRANTY  
CITY COUNCIL  
MEETING DECEMBER 7,  
2023**

The required public improvements have been completed as of September 1, 2022 and the minimum one-year warranty has matured for the following developments:

Scenic Mountain Phase 2

Some private improvements are still to be completed, surety money will be retained to ensure the installation of the playground and landscaping of the stormwater pond.

**Recommendations:**

That the required public improvements be accepted by Hyrum City for maintenance and public use.

Warranty bonds and/or deposits will be released upon completion of the said improvements by the Zoning Administrator per code requirements.